



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
13 November 2023

Original: English
English, French and Spanish only

Committee against Torture

**Seventh periodic report submitted by Czechia
under article 19 of the Convention,
due in 2022* ** *****

[Date received: 26 July 2023]

* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CAT/C/CZE/QPR/7).

*** The annexes to the present document may be accessed from the web page of the Committee.



I. Introduction

1. Czechia presents the Seventh Periodic Report in accordance with Article 19(1) of the CAT and follows on from its previous report. The following have been taken into account in drawing up the Report:

- General guidelines on the form and content of reports on the implementation of the obligations under the CAT submitted by States Parties (CAT/C/14);
- Conclusions and recommendations of the Committee on the sixth periodic report of Czechia (CAT/C/CZE/CO/6);
- List of issues prior to submission of the seventh periodic report of Czechia (CAT/C/CZE/QPR/7);
- Relevant facts and new measures adopted by Czechia to fulfil the obligations arising from the CAT in the reporting period.

2. The Seventh Periodic Report covers the period from 1 January 2018 to 31 December 2021 (the “reporting period”). During this period, Czechia has adopted new measures to address some of the remaining shortcomings thereby contributing to further improvements in the implementation of international legal obligations and national standards.

II. Answers to the list of issues prior to reporting

Reply to paragraph 1 of the list of issues (CAT/C/CZE/QPR/7)

3. Information on each recommendation is included in the answers to issues 15, 18 and 25.

Reply to paragraph 2 of the list of issues

4. Article 10 of the Czech Constitution stipulates that international treaties ratified by the Parliament are binding and take precedence over national law in case of conflict. The Constitution further states that Czechia shall respect its obligations under international law. This implies that national legislation should be interpreted in accordance with international law. The connection with the exercise of the powers of a public administration body, local government, court or other public authority is already contained in the present definition of the crime of torture.

5. A legislative change to the qualified facts of the crime of torture in order to incorporate the definition under the CAT has been discussed repeatedly in recent years. In the end, legal experts considered such a change as not necessary. The qualified facts of the crime of torture in accordance with Section 149 of the Criminal Code, is broader in some respects – e.g. it does not contain the specific aim of torture as an obligatory feature, which makes it easier to punish this crime. Adding a specific aim or purpose to definition of a crime would mean that law enforcement authorities would always have to prove this purpose to convict the offender for the crime. This subjective attitude of the offender can often only be proven by their own testimony. However, in accordance with their defence rights, the offender does not have to comment on the purpose of their action.¹ Therefore, such a legislative change would be rather detrimental to the effective punishment of perpetrators of this crime and ultimately to the victims themselves. Moreover, the present general regulation allows for responding to a possible change (addition) to the definition of torture at international level or to a change in its interpretation without the need to change national legislation.

6. Criminal liability for a crime shall expire upon the lapse of the period of limitation. The period of limitation is graduated according to the upper limit of the sentence. In relation

¹ See, for example, Article 40(4) of the Charter of Fundamental Rights and Freedoms or Article 14(3)(g) of the International Covenant on Civil and Political Rights.

to the crime of torture, the limitation period is 10 years; if the crime of torture and other inhuman and cruel treatment is committed against a pregnant woman, a child under the age of 15 years, with a racial or other discriminatory motive, in an especially cruel or agonising manner, or if it causes grievous bodily harm or death, the limitation period is 15 years. As a crime aiming at their effect, the limitation period for the crime of torture starts to run from the moment when such effect occurs, otherwise it starts to run from the end of the criminal conduct.

7. If damage or other harm has been caused by the crime, the right to compensation for damage or other harm shall be barred by civil limitation within a subjective limitation period of three years. Circumstances relevant to the start of the subjective limitation period include knowledge of the damage and the person liable for compensation. In general, the right to compensation for damage or other harm shall be subject to a objective limitation period no longer than ten years from the date on which the damage or harm occurred, and at most fifteen years, if the damage or harm was caused intentionally. The claim for compensation must be made while both periods are still running. The expiry of one of these periods shall render the claim for damages or redress barred by limitation. In the case of the right to life and dignity, name, health, respect, honour, privacy or similar personal rights, only rights to monetary compensation shall be barred by limitation.

8. The right to compensation for harm to liberty, life or health is subject to a three-year subjective limitation period. The objective limitation period shall not apply in this case. The list of personality rights excluded from the application of the objective limitation period is exhaustive and is limited to the three areas mentioned above. The rights to compensation for harm resulting from interference with dignity, respect, honour, privacy, manifestations of a person's personal character or their right to live in a favourable environment, or other partial personal values, are thus barred by limitation by both a three-year subjective and a ten-year or fifteen-year objective limitation period. If the right has already been granted by a court decision, its enforcement shall be barred by limitation of ten years after the date on which it should have been fulfilled according to the decision.

Reply to paragraph 3 of the list of issues

9. In accordance with Section 33(2) of the Code of Criminal Procedure, if the accused has proved that they do not have sufficient means to pay for the costs of the defence, the court shall grant them defence counsel free of charge or at a reduced fee. The law enforcement authorities are obliged to inform the accused of this right. The court may grant it even without a motion by the accused, if it appears that they have insufficient means to pay the defence costs and it is necessary to protect their rights. According to the Constitutional Court, the court must consider the accused's current circumstances. In addition, the right to free defence counsel may also apply to their necessary acts before its granting.

10. A new feature of the system is the free legal aid provided by the Czech Bar Association as legal advice and legal services. The free legal advice is provided to an applicant whose average monthly income does not exceed the set line and who has no legal representation. The length of counselling is 30 minutes minimum to an annual maximum of 120 minutes. Similarly, legal advice is provided to persons placed in a detention facility for foreigners via the facility.

11. The second category are free legal services to applicants who are not otherwise represented and whose income and financial circumstances justify it. The applicant must submit an application to the Czech Bar Association with proof of the applicant's income and their financial circumstances. This legal aid system also applies in cases of restriction of personal freedom under the Police Act.

12. Following Section 42a of the Act on the judiciary in issues of the juvenile, a juvenile offender must always be legally represented from the first acts in the proceedings until the age of 18. If the court considers it appropriate, taking into account the level of mental and moral maturity of the juvenile and the circumstances of the case, the necessary defence shall continue until the age of 21 of the juvenile. Should the juvenile or their legal representative fail to choose a defence counsel, the court shall appoint them ex officio. The State pays the

costs of this necessary defence under the same conditions as in the case of adult offenders. Concerning criminally irresponsible children, the Ministry of Justice is currently working to implement the decision of the European Committee of Social Rights in the case *International Commission of Jurists v. Czech Republic*, which also addresses their mandatory legal representation. Currently, a criminally irresponsible offender must be represented by a lawyer at the expense of the State.

13. The obligation of the law enforcement authorities to inform the person taking part in the criminal proceedings of their rights is one of the general principles of criminal proceedings. The person must be informed in an appropriate and comprehensible manner at each stage of the proceedings of their rights enabling them to fully exercise their defence and choose their own defence counsel. All law enforcement authorities must allow them to exercise their rights.

14. Section 24(2) of the Police Act stipulates the obligation to immediately inform a close relative or another person designated by the person deprived of liberty of the arrest and the legal representative or guardian of a minor or a person with limited legal capacity. The notification shall not take place if it would jeopardise the fulfilment of the purpose of the action taken or if it would involve undue hardship. The police are then obliged to inform the competent public prosecutor of these facts in writing and notify them immediately after the obstacle has passed. The detained person shall also have the right to communicate, at their own expense, by written communications or by telephone with a person of their choosing, if technically possible and circumstances permit. Internal regulations also regulate the instruction to a person deprived of their liberty about their rights and this obligation is the subject of lifelong training for police officers.

15. Under Article 33(5) of the Code of Criminal Procedure, the law enforcement authorities are obliged to inform each accused person of their rights at all times and to provide them with a full opportunity to exercise these rights. Furthermore, the detained accused must also be advised of the right to urgent medical assistance, the maximum period of time for deprivation of liberty before being brought before a court, and the right to have the consular office and a family member or other natural person notified of their detention. The body in charge of criminal proceedings that carried out the arrest must also provide the accused with written instructions about their rights without undue delay. The accused shall be allowed to read this instruction and have the right to keep it with them throughout the period of restriction or deprivation of liberty. These provisions also apply to a suspect in custody.

16. The information should always be submitted in a language the detainee understands. In general, this is the Czech language in Czechia. Under Section 2(14) of the Code of Criminal Procedure, anyone who declares that they do not speak Czech is entitled to use their mother tongue or a language they claim to speak before the law enforcement authorities. Section 28 of the Code of Criminal Procedure provides that if the accused (suspect) makes use of this right or if it is necessary to translate the content of a document, a statement or another procedural act, an interpreter shall be engaged to interpret the proceedings at the expense of the State and the main procedural documents be translated including information and advice on their rights.

17. Under Section 26(5) of the Police Act, the Czech Police is obliged to make an official record of each person detained. These records are then stored in police databases, which contain all information on the course of the detention, including the exercise of the detainee's rights. A Criminal Procedure Register contains records of all facts in the criminal proceedings including the entry and release from imprisonment. Based on these records, the inspection bodies of the Czech Police, public prosecutors or the General Inspection of Security Forces can verify the legality of the restriction of personal liberty and, if necessary, order the release of an unjustifiably restricted person.

Reply to paragraph 4 of the list of issues

18. Under Section 28(3)(b) of the Health Services Act, patients are generally entitled to the right to choose a health service provider or health care facility. However, the right to choose a specific health care professional is not enshrined in the Czech legal order. Persons

in detention, imprisonment sentence or preventive detention do not have the right to choose a health care provider following Section 29(2)(e) of the Health Services Act. Health services are provided to imprisoned persons directly by the Prison Service or its designated health service providers. However, this does not change the fact that imprisoned persons have the right to the same healthcare quality as other patients.

19. Section 24(5) of the Police Act provides that a person deprived of their liberty has the right to be examined or treated by a doctor of their choice. The police shall allow the doctor access to the person for treatment or examination. Article 12(2) of Instruction of the President of the Czech Police on escorts, guarding of persons and police cells has been amended with effect from 23 April 2020 to ensure that medical examinations are carried out outside the earshot and supervision of police officers in justified cases. The new rule is that during medical examination or treatment of a person outside the cell, at least one police officer of the same sex shall be present on the spot in direct audio-visual contact to ensure the safety of the medical personnel. The police officer shall instruct the doctor about the possibility of requesting security during medical procedures and warn them about the risks for themselves and the patients. However, the doctor can explicitly refuse the presence of the police. Similar rules apply in the case of an examination in a cell under Article 17(4) of that binding instruction.

20. The presence of prison staff during medical examinations of imprisoned persons is regulated by Section 46(1)(g) of the Health Services Act. The provider of health services is obliged to ensure the presence of a member of the Prison Service during the provision of health services, always in sight or within earshot if the life, health or safety of a health worker or other professional worker or property is threatened. This regulation is also the basis for the currently valid Regulation of Director General of the Prison Service on providing health services. The Prison Service has long maintained the view that excluding the presence of a prison officer when providing medical services is unacceptable from a security perspective, as such a measure would make it impossible to guard an imprisoned person. Relying on a request of a doctor could jeopardise the safety and health of other medical and non-medical staff, patients or property. Offices of non-prison health service providers are not equipped with for example emergency call points, as is the case in the health care facilities of the Prison Service. Handcuffing is not obligatory under the relevant legal regulations. However, generally the measures depend on the decision of the competent authorities of the Prison Service, subject, of course, to the conditions of necessity and proportionality.

21. The content of medical documentation is set out in the Health Services Act and the Decree on medical documentation. Following Section 53(2)(c) of the Health Services Act, a medical record must contain data on the patient's health status and the health services provided. The patient's statements are then obtained as part of the anamnestic data collection as a routine part of the medical examination. After all, the doctor cannot carry out a relevant examination without stating why the patient is being examined. The Prison Service, after consultation with the Ombudsperson, has issued a new Regulation of the Director General on the prevention, avoidance and early detection of violence among accused, convicted and inmates and on the recording of signs of inappropriate or degrading behaviour, effective from 1 November 2022. Compared to the previous regulation, it provides a more detailed breakdown of the mandatory elements of the medical examination record in cases of suspected signs of ill-treatment, to the extent resulting from the recommendations of the European Committee for the Prevention of Torture and the Istanbul Protocol.

22. There is no legal obligation to provide the patient with a medical report. However, if the patient requests, the provider is obliged to issue a report on the health services provided under Section 45(2)(f) of the Health Services Act. In this respect, imprisoned persons have rights fully equivalent to other patients in Czechia, i.e., they may, following Section 65(1)(a) of the Health Services Act, consult their medical records, take extracts from them, or request a photocopy. The imprisoned person (patient) may also generally authorise a third person, like a lawyer, to consult or request copies of the medical records under section 65(1)(b) of the Health Services Act.

23. There have been no changes to the Health Services Act concerning the duty of health professionals to report suspected cases of torture and ill-treatment. But section 51(2)(d) of the Health Services Act prevents in no way healthcare workers from reporting cases of torture

or ill-treatment, as it explicitly provides that the duty of confidentiality does not apply in cases of disclosure of data or other facts in the performance of a statutory duty to prevent or report a crime. The crime of torture and other inhuman and cruel treatment is included among the offences whose failure to prevent or report is punishable; i.e., health professionals have a legal obligation to prevent/report suspicion of this offence. Therefore, in the Ministry of Justice's view, no legislative amendments are necessary in this respect. Guidance on reporting signs of ill-treatment concerning the potential risk of retaliation has not yet been developed besides the regulation in prisons mentioned above.

Reply to paragraph 5 of the list of issues

24. The mandate of the Ombudsperson, which already largely fulfils the Paris Principles, has not yet been amended. This also applies to its mandate as the National Preventive Mechanism. The mandate is carried out by the Ombudsperson's Office, whose staff and financial resources have steadily increased in recent years (from CZK 160 million and 150 employees in 2018 to CZK 170 million and 155 employees in 2021). The Department for the Supervision of Restrictions of Liberty has about 12 stable employees.

25. The Government is working with the Ombudsperson to implement its recommendations. The National Preventive Mechanism is primarily concerned with the situation in individual facilities, but this does not exclude systemic issues. For example, the Ombudsperson has succeeded in achieving an increase in the remuneration of prisoners, an improvement of the conditions for foreigners in detention facilities, the abolition of cage beds from 2022 onwards and improvements in the use of restraints. The Ombudsperson's role in promoting international standards for treating persons deprived of their liberty and in educating about their use is also important. Many things remain open, such as systemic changes in penal policy to relieve overburdened prisons, legislation on protective treatment, the sanctioning of less serious cases of ill-treatment in health and social services, or independent investigations into complaints by their clients. The Ombudsperson has also long been drawing attention to many of the other issues in this report and has been working with the Government to address them. The Government remains open to discussing these issues and plans to include some of them, such as those in health and social services, in the next amendments to the relevant regulations. Others, such as systemic changes to penal policy and protective treatment, will take longer.

26. The Ombudsperson does not monitor the required statistical information in this form. The Ombudsperson's opinions are published in the online Register of the Ombudsperson's Opinions, where individual cases are registered according to different criteria. Only a few of cases touched on the issue during the reporting period. Statistical data on the Ombudsperson's systematic visits to individual establishments and the number of complaints received are provided in Annex 1.

27. The consolidation of the public prosecutor office's supervisory authority concerning detention facilities for foreigners and reception centres was included in the amendment procedure of the Act on the residence of foreign nationals and the Act on asylum in 2018, but the proposal was not adopted in the legislative process.

Reply to paragraph 6 of the list of issues

28. An amendment to the Criminal Code effective from 1 February 2019 responding to the requirements of the Istanbul Convention has extended the grounds for the suspension of the statute of limitations until the victim's 18th birthday for the crimes of grievous bodily harm consisting of genital mutilation or sterilisation, unlawful termination of pregnancy without the consent of the pregnant woman, abduction, extortion or oppression to force another one to marry or to submit to genital mutilation. The crime of seduction to sexual intercourse in Section 202 of the Criminal Code has also been expanded to include the punishment of a person who has sexual intercourse with a child or engages in sexual self-grooming, exposure or other comparable conduct of a child for their own sexual gratification, where the child or another has been offered, promised or given a reward,

advantage or benefit in return. This crime was also included among crimes for which the limitation period starts after the victim's 18th birthday. At the same time, the severity of sentence for the offence of extortion was increased if it is committed against a pregnant woman.

29. The prevention of domestic and gender-based violence is the focus of the *Gender Equality Strategy for 2021–2030*, adopted in March 2021. The Strategy contains a separate chapter on Safety, which includes 70 specific measures to prevent and eliminate domestic and gender-based violence, including measures on funding, methodological support, awareness-raising and training in this area. The Action Plan on Prevention of Domestic and Gender-based Violence for 2019–2022 presents 24 specific measures that should lead to more consistent prevention and more accessible assistance to victims. The measures are divided into three areas: prevention, protection and support for people at risk and ensuring access to justice. The main priorities of the plan include ensuring the availability of specialised services for persons at risk of violence and their children and supporting therapeutic programmes for violent persons. The plan is also intended to deepen the training and education in professions in contact with victims. An important part is the prevention through awareness-raising activities or education in schools. An update to the plan was approved in August 2021, which included new measures in preventing violence against the elderly or cyber-violence and increasing the protection and safety of persons at risk of domestic and sexual violence during crisis-related restrictions.

30. Since March 2020, the Office of the Government has been implementing the project *“Enhanced capacities and methodological support in preventing domestic and gender-based violence”*. The project aims to support public authorities in the area of domestic and gender-based violence, to enhance the capacities of the Czech Police to respond to new forms of gender-based violence and to promote the use of awareness-raising material. The project also includes workshops for primary and secondary school students focused on the prevention of sexual and cyber violence, the development of skills important for preventing sexual violence and the recognition of sexual violence and new forms of cyber violence. Discussions on the need for consent, respect and boundaries within sexual life are an integral part of these workshops. In 2021, the project held 107 workshops for 2 115 children and adolescents and trained 146 professionals in contact with victims of domestic and gender-based violence.

31. With effect from 1 July 2021, all victims of the crimes of rape, maltreatment of entrusted person or of a person living in a common residence have been classified as particularly vulnerable victims. Newly, they do not have to be examined for special vulnerability, which will facilitate their access to free legal aid provided by a representative as well as to all other rights they have under the Act on Victims of Crime.

32. Annex 2 shows the available data, i.e., the number of persons prosecuted and convicted for violent crimes with female victim. The Annex also includes data on the use of the institute of expulsion orders following Section 44 et seq. of the Police Act. The Annex also contains data on the crime of trafficking in human beings.

Reply to paragraph 7 of the list of issues

33. All foreign nationals placed in a detention facility for foreigners or staying in asylum facilities have access to free legal aid. The NGO Organization for Aid to Refugees provides regular, comprehensive and free legal counselling in all facilities. This is a long-term activity funded by the EU. The project also provides for the costs of interpretation. The provider's access is not restricted and there are special rooms in the facilities to provide legal advice.

34. In proceedings for extradition for prosecution or execution of a sentence of imprisonment, the public prosecutor and the courts must always examine whether there are any grounds for inadmissibility. The extradition is not permissible if it would be contrary to the obligations arising from international human rights treaties or if there is reasonable fear that the person to be extradited would be subjected to persecution on account of their origin, race or religion, sex, membership of a particular nationality or another group, citizenship or political opinion or for other similar reasons, or that their procedural position would be

prejudiced and could lead to a deprivation of liberty. The extradition of a beneficiary of international protection is also inadmissible.

35. In extradition proceedings, the person whose extradition is sought may appeal against the decision on the admissibility of their extradition to the superior court. After the decision becomes final, the Minister of Justice is also entitled to ask the Supreme Court for review. At the same time, the person to be extradited may seek a review of the extradition decision of the court or of the Minister of Justice by the Constitutional Court. In case of concurrence of extradition proceedings with international protection proceedings, the courts deciding on the admissibility of the extradition may, according to the opinion of the Constitutional Court, independently assess the existence of circumstances precluding the extradition, without first waiting for the issue to be considered in international protection proceedings. On the other hand, the Minister of Justice, when deciding whether to authorise the extradition, must await the conclusion of the international protection proceedings, including their subsequent judicial review, since the granting of any form of international protection disables the authorisation of the extradition to the requesting State which is the originator of persecution.

36. The possibility to appeal against a decision on administrative expulsion is provided for in the Act on the Residence of Foreign Nationals. Under the Code of Administrative Procedure, the decision must always contain advice on remedies and the appeal filed shall always have a suspensive effect. It is also possible to file an action against the detention, which the court must consider within 7 working days. It is also possible to file a request for release from the facility. A transfer decision under the Dublin Regulation can be challenged before the court and the transfer cannot be executed until the court decides on the suspensory effect of the action. Advice regarding remedies is a mandatory part of the decision under the law.

37. Following the Act on international judicial cooperation in criminal matters, the person whose extradition is sought must always have a lawyer. Therefore, in practice, if the person whose extradition is sought does not choose a defence counsel themselves or it is not chosen by an authorised person, a defence counsel must be appointed for them by the court.

38. Foreign nationals detained for administrative expulsion are informed by the law of their right to apply for international protection in writing in a language they understand. Furthermore, the Asylum Act stipulates that the police and the person providing legal assistance to refugees shall provide the interested person with information relating to international protection already at the border crossing point or in the transit area of an international airport.

39. In refugee facilities, social workers focus mainly on vulnerable people to identify their needs. Vulnerable persons include unaccompanied minors, persons under the age of 18, pregnant women, persons with disabilities or serious illnesses, women, parents with children, persons over the age of 65, victims of torture, rape or other serious forms of psychological, physical or sexual violence, victims of trafficking in human beings, persons with mental illness or persons addicted to narcotic and psychotropic substances.

40. During the initial interview with each person applying for international protection in the reception centre, the social worker identifies vulnerable clients and recognises their needs. The worker pays increased attention to the vulnerable persons, and offers more frequent and individual care, taking into account their specific situation. Based on the social investigation, the vulnerable person will be offered psychological care or referred to a NGO or other entities offering appropriate services. The worker also pays increased attention to the possibility of sexual harassment and abuse, domestic violence (especially between partners), other forms of violence, abuse of their rights, including possible trafficking in human beings. They conduct targeted interviews during the initial interview and in further contact with the client. They also continuously monitor whether a client has become vulnerable during their stay in the facility. Vulnerability information is shared between staff of the police, the Asylum and Migration Policy Department of the Ministry of the Interior and the Refugee Facilities Administration as part of the joint care of applicants for international protection in these facilities.

41. When providing services to vulnerable persons, the staff of the Refugee Facilities Administration creates conditions considering the specific needs of vulnerable persons to

prevent their social isolation, including accessibility in terms of time, content and space. The Refugee Facilities Administration ensures the safety of vulnerable persons to prevent bullying, extortion, sexual harassment and other forms of violence. In particular, protected zones are established to accommodate exclusively people from vulnerable groups, such as women, children, or clients from other vulnerable categories. Measures include the secure entry into the protected zone, conditions of accommodation and use of the protected zone, a camera system, etc.

42. Other categories of vulnerable persons are generally accommodated in the standard zone, with the head of the establishment taking organisational measures to ensure they are accommodated separately from the other clients whose movement is restricted as far as possible in this part of the ordinary zone. The head of the facility may decide on a special way of providing certain services for vulnerable persons, like determining a timetable for dispensing meals, changing laundry, dispensing hygiene products, paying out pocket money or financial contributions or leisure activities (library, etc.).

43. The most recent training of relevant Asylum and Migration Policy Department staff on trafficking issues was conducted using materials from the TRIPS project. In addition, the staff attended the final conference of the TRIPS project on 1 December 2021. In addition to legal and methodological information, the materials also contain links to other materials, which can be used by the Department if necessary, including in international protection proceedings.

Reply to paragraph 8 of the list of issues

44. The specific reasons for granting international protection are not specified by the Ministry of the Interior, so it is not possible to provide the requested data. Some related data are published in the regular International Protection Report, available on the Ministry of the Interior's website. Data on the total number of applicants for international protection and the number of asylum and subsidiary protection granted are provided in Annex 3, which also contains data on the number of expelled foreigners.

Reply to paragraph 9 of the list of issues

45. On the basis of statistics from the International Criminal Division of the Ministry of Justice, the following data are available on extraditions from Czechia to foreign countries for prosecution or imprisonment: In 2018, a total of 14 persons were extradited to Kazakhstan, Moldova, the Russian Federation, the United States of America, Serbia, Switzerland and Ukraine. In 2019, a total of 15 persons were extradited to Armenia, Montenegro, Georgia, Kazakhstan, the Russian Federation, the United States of America, Serbia, Switzerland and Ukraine. In 2020, a total of 10 persons were extradited to Belarus, Georgia, Moldova, the Russian Federation and Ukraine. In 2021, a total of 17 persons were extradited to South Korea, Moldova, the Russian Federation, North Macedonia, the United States of America, Serbia and Ukraine.

46. Between 2018 and 2021, Czechia extradited a person accepting assurances from the requesting foreign State about the specific treatment of the requested person after their extradition in a total of 17 cases. During the same period, Czechia provided these assurances to a requesting State in 6 cases of extradition of persons to Czechia for prosecution or execution of a sentence. The Ministry of Justice has not noted any initiative of the foreign State to check the fulfilment of the assurances provided. In cases where Czechia required the requesting foreign State to provide specific assurances, their certainty and sufficiency had to be substantively assessed and subsequently accepted or rejected by the competent court in Czechia, when deciding on the admissibility of the extradition. In all cases where the extradition has been authorised and carried out based on accepting diplomatic assurances and guarantees, the Ministry of Justice monitors at regular intervals either the status and outcome of the criminal proceedings or inquires into the status of the extradited person until their release from the imprisonment. In its experience, the Ministry has not observed any serious or repeated breaches of the assurances and guarantees provided by the requesting State.

Reply to paragraph 10 of the list of issues

47. Article 5(2) of the CAT is implemented in Czech law by the subsidiary principle in Section 8 of the Criminal Code. Under Czech law, the criminality of an offence committed abroad by a foreign national or a stateless person without permanent residence in Czechia is also assessed in cases where the offence is punishable under the law of the territory where it was committed, the perpetrator was apprehended in Czechia, extradition or surrender proceedings took place, but the perpetrator was not extradited or surrendered to the foreign State for criminal prosecution or execution of the sentence and that requesting State asked for the initiation of criminal proceedings against the perpetrator in Czechia. These conditions must be met simultaneously for Czechia to exercise its criminal jurisdiction. Under Czech law, the criminality of an act committed abroad by a foreign national or a stateless person without permanent residence of Czechia is also assessed if the act was committed for the benefit of a legal person with its registered office or organisational unit in Czechia. However, the offender may not be punished more severely than they would be under the law of the State where the offence was committed.

48. The provision reflects the rich practice of the Czech judiciary bodies, which are faced with a lack of evidence in cases of non-extradition of a person to a foreign State for prosecution, as the requesting State is not willing to further cooperate with the Czech authorities to provide the evidence and submit their material collected on file to prosecute the person in Czechia. The application of Czech criminal jurisdiction in these cases is thus conditional on an express request by the foreign State to prosecute the person in Czechia. Concerning the type of criminal activity that the CAT sanctions, criminal jurisdiction under Czech law may also be exercised under the Criminal Code provisions governing the principle of protection and the principle of universality, since these provisions list specific crimes, including torture and other inhuman and cruel treatment, which are to be assessed under Czech law even if such a crime is committed abroad by a foreign national or stateless person without permanent residence of Czechia. According to Czech law, the criminality of an act committed abroad against a citizen of Czechia or against a stateless person with permanent residence in Czechia is assessed if the act is punishable in the territory where the act was committed or if the territory where the act was committed is not subject to any criminal jurisdiction. Concerning Czech nationals, the principle of personality is also applied, which states that the criminality of an act committed abroad by a citizen of Czechia or a stateless person with permanent residence in Czechia is assessed according to the Czech law. Although the exercise of criminal jurisdiction in these cases does not require an express request by a foreign State, practical experience with these cases shows that without the cooperation and willingness of the requesting State to cooperate, the obligation to extradite or prosecute cannot be successfully fulfilled.

49. The International Criminal Division of the Ministry of Justice does not keep statistics on the type of crime for which judicial cooperation in the form of legal aid or extradition is requested from or provided to a foreign State. For this reason, it is also not possible to provide information on the number of cases in which Czechia has refused to extradite perpetrators of offences punishable by the CAT to a foreign State. There are no statistics on legal aid.

50. Annex 4 contains a list of bilateral and major multilateral regional treaties on legal aid and extradition to which Czechia is a party. In extradition treaties, extraditable offences are defined as offences punishable under the laws of both State parties concerned by at least a sentence of imprisonment for one year. It can thus be concluded that the offences defined by the CAT are covered by extradition treaties as extraditable offences.

Reply to paragraph 11 of the list of issues

51. Educational events, seminars and trainings organised by the Judicial Academy are intended to educate judges, public prosecutors and other judicial personnel. Such training is optional. Several training events fell under the scope of the issue under review between 2018 and 2021. In 2018, a one-day seminar on trafficking in human beings with an emphasis on labour and other forms of exploitation; a one-day seminar on private delicts and cybercrime on social networks; two one-day seminars on interviewing particularly vulnerable victims of

crime; one three-day training course for criminal judges on introduction to Romani studies and cybercrime; one multi-day seminar on hate crimes, extremist manifestations, the radicalism of persons professing Islam; and a seminar on computer crime and cybersecurity have been organised. 364 persons participated in courses with at least a partial focus on minorities and extremism; 527 participants attended courses on detecting signs of psychological and physical harm and on torture and ill-treatment. In 2019, the relevant seminars included a one-day seminar on detecting radicalisation; a one-day seminar on introduction to Romani Studies; four one-day seminars on cybercrime – misuse of IT resources in committing crime; a one-day seminar on cybercrime – hate speech on social media; a one-day workshop on trafficking in human being a certified Council of Europe course; and one three-day training for criminal judges on hate crimes, extremist manifestations, radicalism of persons professing Islam. 597 persons participated in courses with at least a partial focus on minorities and extremism; 646 participants attended courses on the issue of detecting signs of psychological and physical harm and on torture and ill-treatment.

52. In 2020, only a few training events took place the area under review. Unfortunately, the training events at the Judicial academy had to be cancelled due to the Covid-19 pandemic. Nevertheless, one special initial multi-day training of lecturers under the Prosecutors and Hate Crime Training (PAHCT) was held in cooperation with the Office for Democratic Institutions and Human Rights (ODIHR). This training was to be followed in 2020 by four Hate Crime seminars for public prosecutors and possibly another seminar for interested judges, judicial trainees and assistants to judges; only one multi-day seminar was held. Furthermore, there was a certified Council of Europe online course on Combating Trafficking in Human Beings: Procedural safeguards in criminal proceedings and the victims' rights; and an online seminar Hate speech on the Internet. 177 persons participated in courses with at least partial focus on minorities and extremism; 1174 participants attended courses on the issue of detecting signs of psychological and physical harm and on torture and ill-treatment. The plan for 2021 was to continue with the set training system and hold substitute Hate crime seminars for those originally planned for 2020. Unfortunately, due to the epidemiological situation and the required in-person participation at these events, the substitute events did not take place and were postponed until 2022 or even 2023. Despite the continuing unfavourable epidemiological situation and the related restrictions, the following events were successfully held in 2021: a certified Council of Europe online course Combating Trafficking in Human Beings; a one-day webinar on specifics of victims of prejudiced violence (hate crime); a multi-day seminar on cybercrime – selected issues; a one-day presentation seminar on hate crime; a multi-day presentation seminar on cybercrime – selected issues; and a one-day seminar on the status and rights of injured persons and victims of crime in criminal proceedings. 500 persons participated in courses with at least a partial focus on minorities and extremism; 1125 participants attended courses on the issue of detecting signs of psychological and physical harm and on torture and ill-treatment.

53. Section 24 of the Czech Police Act further stipulates that a person deprived of their liberty by a police officer may not be subjected to torture or cruel, inhuman or degrading treatment and may not be treated in an undignified way. A police officer who witnesses such treatment must take measures to stop it and notify their superior without delay. From the beginning of their service, police officers are continuously trained in the treatment of persons deprived of personal liberty, respect of their rights and their adequate treatment, including the use of coercive means and the clear prohibition of any form of ill-treatment, i.e. physical, verbal or mental. The police will continue to apply these measures within the framework of basic training for new police officers and during the regular retraining for those already in service. No training programmes within the police specifically aim at preventing torture and other ill-treatment. The issue of torture and other ill-treatment is rather complex, affecting almost all powers of police officers. Therefore, the prevention of torture and ill-treatment is part of any training programme relating to the powers of police officers. Prevention of torture and other ill-treatment is also part of other training programmes. For example, the content of the qualification course "Control Officer of the Czech Police" includes an interpretation of the relevant case law of the European Court of Human Rights with an emphasis on the concepts of "arguable claim of ill-treatment" and "effective investigation" and the application

of these standards in control practice, especially in cooperation with the General Inspection of Security Forces.

54. Similar to preventing torture and other ill-treatment, all police officers should be able to communicate with persons in vulnerable situations. For this reason, basic training is the most appropriate training programme to cover this issue. Dedicated assistance to persons in vulnerable situations is also provided by specially trained crisis interventionists. The crisis intervention system provides psychological support to persons affected by traumatic events, especially victims of crime and emergencies. Police officers assigned to the organisational units of the Criminal Police and Investigation Service can undergo training focused on particularly vulnerable victims to prevent their further victimisation. Czechia does not have a specific methodology for evaluating training effectiveness and the educational effects are evaluated in their practical application, in particular by the number and focus of complaints about police officers' practices.

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55. In 2018, the following events took place at the Judicial Academy: a one-day seminar on crimes against life and health; three one-day seminars on domestic violence; a one-day seminar on health issues; a two-day seminar on exchange of experience of non-criminal specialists of public prosecutor's offices; a two-day seminar on expert opinions; a three-day training of criminal judges on expert opinions and expert statements in proceedings on other than proprietary harm and adhesion proceedings; a one-day seminar on questioning of particularly vulnerable victims of crime; a joint meeting of public prosecutors, the Prison Service and the Probation and Mediation Service on issues of conditional release from imprisonment; and a multi-day seminar on the Common European Asylum System II. In 2019, there was a one-day seminar on importance of the health service for the prevention and detection of maltreatment; a one-day seminar on criminal sanctions; a two-day seminar on exchanging the experience of non-criminal specialists of public prosecutors' offices; a three-day training of criminal judges on compensation for other than proprietary harm in adhesion proceedings; a three-day seminar on collective, summary and aggregate punishment for judges and public prosecutors; a one-day seminar on health law; a two-day seminar on expert opinions; a one-day seminar on protective measures – protective treatment; a three-day seminar on non-criminal competence of public prosecutors; a three-day seminar on sentencing for judges and public prosecutors; and a one-day seminar on migration agenda.

56. In 2020, only a few training events occurred due to the Covid-19 pandemic. There was a one-day seminar on sentencing; a one-day seminar on restorative justice in international and Czech criminal law and practice; a one-day seminar on violent crime; a two-day seminar on criminal sanctions; a one-day seminar on enforcement proceedings – conditional release from sentence of imprisonment; a one-day seminar on expert opinions; a two-day seminar on domestic violence; a certified Council of Europe online course on standards of the European Committee for the Prevention of Torture; a certified Council of Europe online course on violence against women and domestic violence; a three-day seminar on collective, summary and aggregate punishment; an introductory online conference of the "Improving access to justice for vulnerable groups" project; a two-day seminar on criminal activity by and against youth; a one-day seminar on adhesion proceedings and adjudication of compensation for damage and other than proprietary harm caused by crime; a one-day seminar on substantive criminal law – selected issues and related problems; and a one-day seminar on judges' role in preventing serious interference with the rights of persons living in institutions.

57. In 2021, there was a certified Council of Europe online course on standards of the European Committee for the Prevention of Torture; a certified Council of Europe online course on violence against women and domestic violence; a two-day seminar on sentencing; a one-day seminar on protective treatment and preventive detention; an international webinar – workshop in cooperation with the Forum for Human Rights and the International Commission of Jurists PRACTICE (Procedural Rights for All Children in justICE) on the right of the child to an individual assessment; a one-day seminar on domestic violence; a two-day seminar on expert opinions; a one-day seminar on compensation for other than

proprietary harm from the perspective of criminal and civil law; a three-day seminar on practical training in imposing collective, summary and aggregate sentences; a three-day seminar on fundamentals and practical training in imposing collective, summary and aggregate sentences; a one-day seminar on Roma in the courtroom and judicial decision-making; a one-day seminar on new legal regulation of expert activities in practice – evaluation of expert opinions in terms of their structure; a one-day seminar on criminal law – selected issues and related problems; a one-day seminar on health law; and a multi-day seminar on selected issues of asylum and alien law.

58. Several courses on violence took place at the Institute for Postgraduate Medical Education in 2021, including a course on sexual violence risk assessment and protective factors using the SVR-20V2 and SAPROF tools, where participants learn about the basics of violent behaviour in mental illness. The Structured Expert Assessment method was also presented. Participants were introduced to risk and protective factors in mental illness. The SVR-20V2 and SAPROF tools were introduced and combining risks and protective factors were discussed. The administration of tools and the creation of intervention scenarios were demonstrated using a case example as part of the training. There is also a similar course on assessing the risk of violent behaviour and protective factors using the HCR-20V3 and SAPROF tools, which introduces the basics of violent behaviour in mental illness. The administration of tools and the creation of intervention scenarios is demonstrated using a case example as part of the training. Another part is a webinar focused on domestic violence, prevention of secondary victimisation of victims of domestic and gender-based violence and the needs of victims of sexual violence.

59. The topic of the consequences of torture is included in the qualification training for general nurses. The Basics of Sociology course deals with issues of violence including victims of domestic violence, sexual violence, or gender-based violence in children, adults, and seniors. Students are introduced to training in appropriate responses and procedures. The course also touches on social and legal protection and other systems of care for children and families at risk, discrimination against and communication with disadvantaged children, and it addresses bullying, ill-treatment and torture. All specialised training programmes include ethical and legal issues associated with torture. A training event for paramedical staff on the consequences of torture in the context of the Istanbul CAT is currently being prepared and courses on violence are being carried out. The topic of victims of domestic and gender-based violence is included in the qualifying and specialized training programmes for non-medical staff.

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60. Changes to criminal law became effective on 1 October 2020 to reduce the prison population. Damage thresholds in the Criminal Code were raised, as their levels had already moved away from economic reality, effectively expanding criminalisation. The increase in the minimum threshold of not insignificant damage has made it possible to treat certain less serious acts as administrative infractions. The amendment also aims to increase and rationalise the imposition of financial penalties, which account for more than 20% of sentences imposed. After the amendment became effective, the circle of convicts who can be conditionally released after one-third of their sentence, has been extended. Furthermore, the Criminal Code obliged the court, when determining the type and amount of sentence, to also take into account the type and amount of sentences imposed on the offender for other criminal activities that have not yet been executed, so a sentence is not imposed which, together with the sentences not yet executed, would lead to disproportionate punishment of the offender.

61. In 2021, another amendment to the criminal law aimed at establishing a functioning and effective system of alternative sentencing and reintegrating offenders into society was adopted. The new legislation reduces the administrative complexity of supervising the execution of sentences and promotes the imposition of alternative sentences and the use of diversions of criminal proceedings. The law enforcement authorities and the Probation and Mediation Service can better cooperate and react quickly to changes or detected violations of sentence by the offender. Convicts should be more positively motivated to cooperate properly and fulfil their obligations. At the same time, the electronic monitoring system (bracelets) is

being extended to suspended sentences and suspended sentences with supervision. The Probation and Mediation Service can be active throughout the criminal proceedings and tasked with obtaining information on the suspect and their family and social background, which should increase the number of diversion cases and the imposition of alternative sanctions, as the court will have the necessary information at its disposal.

62. On 1 January 2024, changes will come into effect that respond to the recommendations of the European Committee for the Prevention of Torture regarding establishing a minimum accommodation area per imprisoned person. The minimum accommodation area for two imprisoned persons in one cell will now be at least 10 m² without sanitary facilities. Furthermore, the rules regarding the placement of a convict in a cell or dormitory under the minimum accommodation area (at min. 3 m²) will be clarified.

63. Data on the number and imposition of alternative sentences and their proportion of the total and the number of unsuspended sentences of imprisonment are provided in Annex 5.

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64. The conditions for imprisoned persons are improved primarily through the reconstruction of prison buildings based on modern prison trends in accommodation, structural and technical arrangement, treatment space, etc. In the reporting period, a new facility at Světlá nad Sázavou Prison was completed in 2022, with a standard accommodation capacity of 192 places. In 2022, a new facility for 30 inmates at Odolov Prison was also put into operation. Another project is the reconstruction of a dormitory for juvenile convicts at Všehrady Prison, completed in 2022. After the reconstruction, there is an accommodation capacity of up to 96 places for juveniles with 3 juveniles in 1 bedroom. This building is separated from the buildings for other convicts. In other prisons juvenile convicts are always placed in their separate spaces/sections. Preparations for the construction of an open prison in Velké Přílepy are underway. Further new construction, renovation and modernisation of accommodation capacities depend on sufficient funds.

65. Imprisoned persons are entitled to receive health services either covered by public health insurance if they are insured. If they are not insured, they are provided with emergency health services as defined in Section 176(1)(a) of the Act on the Residence of Foreign Nationals free of charge and covered directly from the State budget.

66. Transferring the administration of prison health care to the Ministry of Health has been discussed repeatedly with negative results. Within the framework of the objectives set out in the current version of the *Prison Service Concept*, the Prison Service is taking steps towards making the prison health care and service separate and independent, but for the time being within the Ministry of Justice. The gradual separation of prison health care within the Prison Service is a necessary prerequisite for further efforts to transfer the whole system to another ministry. Further information is contained in the sixth periodic report of Czechia (points 104 et seq.).

67. Since 2015, the cells have been gradually modified so that the privacy or dignity of persons deprived of their personal liberty is not unjustifiably violated (CCTV notifications, visually separated toilets or sanitary facilities, etc.) The principles of personal data protection are also respected. The Internal Control Office of the Police Presidium of Czechia conducted a comprehensive internal audit focused on conditions in police cells between 2019 and 2021, also checking compliance with the recommendations of the European Committee for the Prevention of Torture. Police cells under the auspices of all regional police directorates were inspected. The audit concluded that most of the deficiencies identified by the 2014 internal audit had been corrected, with only a few partial deficiencies identified. Generally speaking, police cells are currently equipped with sufficiently large beds measuring 200 x 80 cm, comfortable washable mattresses, lighting with day and night mode, a sanitary area with a sink and toilet, visually separated from the rest of the cell and out of the view of the cameras to ensure privacy.

68. Our previous statements on access to fresh air for detainees apply. In the case of short-term cells, we do not consider it necessary for the detained person to have access to

fresh air during their stay given the duration of the restriction on personal liberty. In the case of long-term cells, the recommendations of the European Committee for the Prevention of Torture are taken into account in the construction of new cells. In existing cells, efforts are made to create conditions for the detained persons to have access to fresh air where technically possible.

69. According to the Act on the Juvenile Justice, protective education may be imposed on a juvenile offender if their upbringing is not properly cared for and this deficiency cannot be remedied in the family environment, if the juvenile's upbringing has been neglected to date, or if their environment does not provide a guarantee of their proper upbringing. This protection measure can only be imposed if other educational measures are insufficient. Children under the age of fifteen who are criminally irresponsible may be placed in protective education only in exceptional cases when they commit an otherwise criminal act for which the Criminal Code permits the imposition of an exceptional punishment, and at the same time the child has already reached the age of twelve at the time they committed the act, or if the nature of the act justifies it and it is also strictly necessary to ensure their proper upbringing. Protective education shall last as long as its purpose requires, but no longer until the juvenile reaches the age of eighteen. If the interests of the juvenile so require, the juvenile court may extend protective education until the juvenile reaches the age of 19. The juvenile court is regularly informed about the course and results of the protective education at least twice a year, so it can always assess whether it is still justified. The primary purpose of this institute is to ensure the proper upbringing of criminally irresponsible children when their family environment has failed to do so, thus reducing the risk of recidivism. These children receive intensive therapeutic and educational treatment without any alternative with the same effect in the current legislation. For these reasons, we are not considering abolishing this institute.

70. The needs of specific groups are addressed in legislation and the internal regulations of the Prison Service of Czechia. Specific regulations govern the conditions for the execution of remand, the execution of sentence of imprisonment and for pregnant women, mothers of minor children, foreigners and others or the execution of the punitive measure of imprisonment of juveniles. The Regulation of the Director General regulating the conditions for persons who require the assistance of another person because of a disability is currently being drafted. For example, specialised sections have been set up for specific groups of people with space and equipment adapted to their needs. The staff also considers the needs of these persons. Interviews are used to determine their current needs and they can also submit a request or suggestion at any time.

71. According to the Health Services Act, in the case of persons in remand, imprisonment or preventive detention, an interpreter is appointed by the Prison Service if interpretation from a foreign language is required. The Prison Service shall, where possible, use staff proficient in the language required, primarily medical staff. If the patient consents, interpretation by another inmate is an option. Of course, professional interpreters are also used. In the case of less-represented languages, the competent embassy is contacted with the prisoner's consent to request interpretation. In the case of sign language interpreting, social workers with sign language skills are available or sign language interpreting agencies are contacted.

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72. The Police Act stipulates that a search of a person is always carried out by a person of the same sex, either by direct physical contact or, if necessary, by direct observation of the person's exposed body, during which the police officer is entitled to call upon the person to move to reveal a weapon or other object that may be threatening to life or health. The condition of necessity was added to the Act with effect from 2022 to emphasise the subsidiary nature of this type of search, which, however, already resulted from the principle of proportionality of the Police Act and has been applied in police practice to date. The Act on the Prison and Judicial Guard provides that an officer is authorised to carry out a personal search of a person in preventive detention, remand or imprisonment, a search of the person's belongings, a body search, dactyloscopy fingerprinting and taking images, or to order the

person to undergo a medical examination. The personal and body search is carried out by a person of the same sex or a doctor; the medical examination is carried out solely by a doctor.

73. Following the recommendations of the European Committee for the Prevention of Torture, the Instruction of the Director General of the Czech Prison Service introduces the Methodology of the Inspection Activities of the Prison and Judicial Guard Department during Targeted Controls. The regulation is also binding on directors of prisons, remand prisons and institutions for the execution of preventive detention. The inspection activities are targeted at the practical execution of personal searches of prisoners. The Department recorded no misconduct in this area by officers conducting thorough body searches during the reporting period.

74. The issue of thorough personal searches was further incorporated into the Regulation of the Director General, which establishes the scope of service and professional training of officers and employees of the Prison Service. This regulation has been expanded to include conducting thorough personal searches as part of the prevention. The training on this topic aims to acquire and consolidate general theoretical knowledge and practical skills in conducting thorough personal searches under the internal regulations.

75. Since 2018, the Methodological Instruction of the Internal Control Department of the Police Presidium of Czechia has been in force, which stipulates the obligation to individually assess the risks related to a personal search. The Police Presidium methodically guides police officers in this individual assessment. The internal regulations of the Czech Prison Service regarding thorough body searches state that a thorough body search shall be carried out only if there is a reasonable suspicion based on an individual risk assessment that the prisoner has dangerous objects or unauthorised items. The instruction also emphasises that the search should be conducted so as to first allow the person to expose only one half of their body, and to subsequently expose the other half after getting dressed. The Ministry of Justice ensures that this practice is followed.

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76. The Prison Service is currently working on a comprehensive legislative change concerning disciplinary delicts of imprisoned persons, including the type and severity of imposed disciplinary punishment. There are several legislative variants in preparation, one of which proposes abolishing the disciplinary punishment of placement in a closed section outside the treatment and solitary confinement programme.

77. The legislation expressly provides that a re-imposition of solitary confinement may not commence until at least 10 days have elapsed since the execution of the previous sentence to prevent successive solitary confinement. The only exceptions are cases where the punishment is re-imposed while the previous punishment was still being served and then the subsequent sentence may immediately follow, subject to a medical assessment.

78. At present the prohibition of visits is only part of the disciplinary punishment of solitary confinement for the accused in remand who is allowed to correspond with family members. There are no such limits in the solitary confinement during the prison sentence and there is no solitary confinement as a disciplinary punishment in the preventive detention. However, as mentioned above, the disciplinary punishment of solitary confinement may be abolished in forthcoming legislative amendments.

79. The Act on institutional care or protective education in school facilities uses the term “separate room”, where a child over the age of 12 can be placed individually in a juvenile detention centre, children’s home with school or educational institute for a maximum of 6 hours continuously and for a maximum of 48 hours in total over the course of 1 month. The purpose is to ensure the child calms down, their psychological state stabilises and the health and safety of the child and other children and staff are protected. This measure is used only exceptionally. The order to place a child in a separate room is issued by the facility director. Afterwards, the director shall immediately arrange for a medical examination to determine the causes of aggression and the doctor shall determine the need for and frequency of medical follow-ups and, if necessary, the need for a psychological examination. During the child’s

stay in the separate room, the child receives care from a professional psychological or therapeutic worker for at least 6 hours a day. Outside these times, the child must be provided with appropriate educational or leisure activities. The child's condition is monitored by a chosen worker at least every 30 minutes. The child has the right to take safe objects for leisure or educational activities.

80. Current legislation in Czechia requires medical staff to confirm that a prisoner is fit to undergo solitary confinement which can be a significant psychological burden for the convicted person due to the isolation and restriction of their activities. If the doctor does not find the convicted person medically fit, the punishment cannot be imposed. So a prior medical assessment is more than appropriate. The legal regulation explicitly provides for periodic checks by a doctor at least once a week throughout the confinement period. The purpose of these regular, mostly daily checks is precisely to assess the impact of the isolation on the health and psyche of the convicted person and to reduce the risk of any undesirable consequences. If necessary, the convicted person is always provided with the necessary medical care. This practice fully corresponds to Rule 60.6.b of the European Prison Rules. However, in the context of the forthcoming legislative change concerning the abolition of solitary confinement, such confirmation would no longer be required.

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81. From 1 January 2018 to 31 December 2021, there have been 17 completed suicides in the execution of remand, as well as 21 suicide attempts and 7 self-harm incidents. In total, the accused persons committed 45 acts of suicidal or self-injurious behaviour. They were committed by 42 men and 3 women, with an average age of 38.3 years, the highest age of 70 and the lowest age of 22. If the numbers of accused persons in remand are put in relation to the total prison population, in which they make up approximately 10%, then the risk of suicidal behaviour was approximately 5 times higher in remand than imprisonment. In 30 cases, the accused person committed suicide in separate accommodation. Hanging was the most common method of suicide (27), followed by cutting (13) and poisoning (5). Of the 45 accused persons, 7 foreigners committed acts of suicide or self-injury. Ethnicity is not recorded by the Prison Service. There were two deaths in reception and residence centres in 2018, none in 2019, four in 2020, three in 2021 and one in 2022. In the reporting period, there was one death in detention facilities for foreigners in 2021. All types of facilities have a system for monitoring and reporting emergencies, which include deaths and self-harm, and a procedure for dealing with these incidents. Persons who attempt suicide in the facility are always taken to a psychiatric clinic for evaluation.

82. The prevention of suicidal behaviour of prisoners is regularly included in meetings of senior staff of the Prison Service of Czechia, psychologists and other professional staff, e.g. educators-therapists. There are also interdisciplinary seminars on preventing suicidal behaviour of imprisoned persons for senior staff, directors of organisational units including the General Directorate, and, for example, an extraordinary online training on suicide for heads of departments of the Prison Guards. In addition, an interdisciplinary seminar on suicide prevention is intended not only for psychologists but also for other professional staff, senior staff and officers in practice. In 2020, an updated and expanded version of the methodological handbook *Prevention of Suicidal Behaviour of Imprisoned Persons and Possibilities of Psychological Intervention* was published. It was distributed to all prisons and all other users. Because the 3rd edition of this handbook is almost out of print, the plan for 2023 is to publish an updated 4th edition, subject to budget availability. The handbook is available in both printed and electronic versions. The obligation to conduct an initial psychological interview with a suicide risk assessment with every person in remand within 24 hours of taking them into custody remains in force, and this practice is gradually being extended to persons who start serving a sentence of imprisonment. In addition, a new function has been introduced in the Prison Information System, which makes information on suicidal behaviour of imprisoned persons more accessible for targeted psychological interventions. Statistical data for each year are provided in Annex 6.

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83. Restraints are exhaustively listed in Section 39 of the Health Services Act. According to the Act in effect, these are the gripping of the patient by health care workers or other designated persons, the restriction of the patient's movement by protective belts or clamping straps, the placement of the patient in a safe room, a protective coat or vest restricting the movement of the patient's upper limbs, psychopharmaceuticals or other medicinal products that are administered to the patient by force to control the patient's behaviour, or their combination. As part of the amendment to the Health Services Act, the option to restrain a patient in a cage bed has been removed. Therefore, cage beds cannot be used as a restraint. The Act further provides that restraints may only be used if their purpose is to avert an imminent threat to the life, health or safety of the patient or other persons, only for as long as those reasons persist, and only after a less restrictive procedure has been unsuccessfully used, unless this would clearly not achieve that purpose. In each case the least restrictive means appropriate to the purpose must be chosen. The Act also lists requirements for health care providers, including the obligation to inform the restrained patient about the reasons for the restraint in a comprehensible manner and with due regard to their health condition. Further information is contained in point 120 et seq. of the sixth periodic report.

84. Health services following Section 34 of the Health Services Act may only be provided to a patient with their free and informed consent, unless the Health Services Act provides otherwise. Consent to hospitalisation must always be made in writing. The patient may withdraw their consent to the provision of health services. Under Section 38 of the Health Services Act, a patient may be hospitalised without consent if they have been ordered to undergo protective treatment in the form of inpatient care by a court decision, isolate, quarantine or be treated following the Act on the protection of public health, undergo a medical examination under the Code of Criminal Procedure or the Act on special judicial proceedings. Other cases of hospitalisation without consent include a situation where the patient poses an immediate and serious threat to themselves or their surroundings and shows signs of or suffers from a mental disorder or is under the influence of an addictive substance, if the threat to the patient or their surroundings cannot be averted in any other way or if their state of health requires urgent care and does not allow them to give consent. In providing health services to minors and patients with limited legal capacity, their opinion shall be sought, where appropriate to their mental and volitional maturity. This opinion must be considered as an increasingly important factor in proportion to their age and their degree of intellectual and volitional maturity.

85. In 2018, the Methodological Recommendation for Inpatient Care Providers on Restriction of Free Movement of Patients and Use of Restraints on Patients was issued, which follows up on the Health Services Act and its exhaustive list of restraints and their possible use. The Recommendation stresses that restricting the patient's freedom of movement by prescribed means is a last resort. In this context, it states that it is not permissible to use restraints as a preventive or punitive measure or as a measure resulting from an inadequate operational situation (e.g. staff shortage). The type of restraint chosen to restrain the patient and the extent of the restriction must be proportionate to the imminent harm. During the restriction period, the patient must be under appropriate supervision of the provider's medical staff. The use of the restraint, including their reasons shall be recorded in the patient's medical record without undue delay. It also recommends that inpatient care providers develop their internal regulations for using restraints and regularly train their health care staff. The Recommendation further states that every patient should be informed of the right to file a complaint and to obtain free legal aid, specifies the necessary information in the dedicated restraint register and regulates internal and external reporting mechanisms, the procedure for analysing the situation and for filing complaints. It further provides that the facility shall inform the guardian or legal representative.

86. In 2020, the Czech Government adopted the National Action Plan for Mental Health, an implementation document for some parts of the Psychiatric Care Reform Strategy 2013–2023 and the Strategic Framework for the Development of Health Care in Czechia until 2030 "Health 2030". This material elaborates on five strategic objectives – improving the management and delivery of mental health care guided by sound information and knowledge;

providing everyone with a comparable opportunity for sound mental health throughout their life, especially those most vulnerable or at risk; ensuring full respect, protection and promotion of human rights of persons with mental health difficulties; ensuring full local, temporal and economic accessibility for mental health services, making them available in the community as needed; and building mental health care systems in well-coordinated partnership with other sectors, including equitable access to somatic health care. The Plan also focuses on preventing and reducing the use of restraints, reflects human rights concerns across the measures and aims to establish a system of out-patient services allowing persons with mental illness to remain as much as possible in their natural environment and involved in the society and to ensure the quality of mental health care.

87. The psychiatric care reform takes place in the form of several projects of the Ministry of Health, the Institute of Health Information and Statistics and the National Institute of Mental Health, which is the main expert workplace for psychiatric care in Czechia. One project supports the creation of Mental Health Centres (30 in operation in 2022, evenly distributed across Czechia). This is the basis of a future network that will be made up of 100 such Centres. A Mental Health Centre is an intermediate link between primary care, including outpatient psychiatric care, and inpatient acute and specialist care. Its function is to prevent or shorten hospital stays and to assist in reintegrating long-term inpatients into the community. To this end, the Mental Health Centre develops the necessary programmes and provides a functional link between outpatient and inpatient care within its catchment area. The Mental Health Centre team works in a case management format and provides a flexible, individualised service to all clients in need in the catchment area with no waiting time. Another project activity aims to create regional care networks in cooperation of health and social services and all public administration institutions affecting the lives of people with mental illness. The desired target form of the regional service network will be defined for each region. Another activity focuses on changes in the provision of acute and follow-up inpatient psychiatric care. Acute inpatient care will be integrated into general health care and the network will consist of smaller facilities with adequate catchment areas to ensure continuity of care with somatic care and the natural environment of patients. The number of acute beds in the system will gradually increase as the capacity for inpatient follow-up care decreases in line with the development of modern care, except forensic and detention beds. Psychiatric aftercare beds in existing institutions will be transferred to established services and residential capacity in the place of residence of persons with mental illness. Acute psychiatric care beds will be in the service network for patients with all psychiatric diagnoses, along with child and adolescent care beds and specialist care beds.

88. Another objective of the reform is to use psychiatric hospital staff capacities to develop other forms of inpatient care for persons with mental illness outside the existing premises. Transformation plans are being developed for psychiatric hospitals with objectives of future care, the role of the hospital in regional networks, an organisational structure design, the hospital staffing strategy including training and skills development, as well as the urban and functional design of the premises to plan the necessary investments. For example, the number of beds in multi-bed rooms is being systematically reduced. The transformation process will take 15 to 20 years and must be closely linked to regional care networks. Another of the reform projects focuses on supporting the introduction and standards of a multidisciplinary approach to mental health care into the practice of health and social service providers through the support of methodologists and exchange of good practice. The National Institute of Mental Health is working on a project focused on early detection and intervention with the aim of preventing the development of serious mental illness, hospitalisation for the first episodes of mental illness, job loss for persons at risk of serious mental illness or on methodologies to destigmatise persons with mental illness in the context of psychiatric care reform.

89. 104 complaints about treatment in psychiatric hospitals were sent to the Ministry of Health during the reporting period. The category of “ill-treatment” is not specifically monitored. The Ministry of Health does not register complaints sent directly to psychiatric hospitals. Complaints are investigated by the health service provider and reviewed by the competent administrative authority authorising the provider to provide health services, which is usually the regional authority. The investigation of a complaint by the administrative authority is the final investigation step under the Health Services Act and the Ministry of

Health has no competence to review or investigate the conclusions. Therefore, the Ministry of Health communicates to the complainant the procedure for how and to whom to submit the complaint, or it forwards the complaint directly to the health service provider or other administrative authority, if known. The relevant statistical data are provided in Annex 7.

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90. For asylum seekers, the law almost excludes the detention of vulnerable groups, including families with children. An exception is made for vulnerable applicants for international protection whose disability does not prevent their placement in a reception centre or detention facility for foreigners. Other vulnerable applicants can only be detained if they are over 18 years of age and have repeatedly and seriously breached an obligation imposed on them by a special measure. If a family applies for international protection in Czechia, they cannot be restricted in their freedom and they are placed in a standard open residential facility that is fully adapted for their stay. The accommodation buildings of the asylum facility comprise separate rooms or entire apartment units. There are either separate or shared kitchenettes and sanitary facilities. For easier getting around, common areas are marked with pictograms. If a family does not apply for international protection, the adult family members may be detained if the legal conditions are met, including in particular the obligation to prioritise alternative measures such as reporting the foreigner to the police or stay/residence control. Therefore, detention is always used only as a measure of last resort.

91. Foreigners in detention are placed in special facilities, where women, families and unaccompanied minors are housed separately from men. An unaccompanied foreign minor may be detained only if there is a reasonable risk that they could jeopardise state security or seriously disturb public order. In practice, unaccompanied minors are rarely detained. Children accommodated with their parents live in a newly constructed building and its adjacent premises, which are located next to the existing facility in Bělá pod Bezdězem and are adapted to minimise the effects of detention. The accommodation building was newly opened in 2018 and consists of separate rooms. There are play areas for children and common rooms for families. The accommodation building also includes a canteen and a room for schooling. Cots and bathtubs for babies are available. For easier getting around, the buildings have pictograms and the common areas are decorated in cooperation with the children. The entire area includes a large outdoor space, a dormitory, a playground and a leisure building including a gym and a children's centre. The outer fence is made invisible by green paint and trees visually covering it from the inside and creating a natural boundary of the space. As boarding and schooling occur within the accommodation building, children do not need to be accompanied by staff when moving around the premises. At the same time, all-day free access to social workers in the adjacent building is ensured. Play elements (swings, sandboxes, climbing frames, trampoline, etc.) and outdoor exercise elements for adults are installed in the outdoor areas of the facility. Thanks to these measures, conditions are created to minimise the impact of detention on the psyche of families with children and other vulnerable groups. The aim is to make the whole space not feel like a detention centre or a prison.

92. There are two classrooms for children with compulsory school attendance in Bělá. One is located directly in the accommodation building and has a maximum capacity of six children. A second classroom is located in the main administrative building, which is used if there are more children with compulsory school education in the facility. School attendance is ensured through cooperation between the Refugee Facilities Administration and the Bělá pod Bezdězem Primary School under a joint Memorandum of Cooperation. In addition to standard subjects such as reading and arithmetic, emphasis is also placed on Czech language and Czech studies. As part of their education, children regularly go to educational events outside the facility. Schooling in asylum facilities is provided directly by the local primary schools. In some cases, teachers teach classes directly in the facilities.

93. The exterior and interior of the children's centre building and the gymnasium in the Bělá facility have been comprehensively renovated. The children's centre looks and functions similarly to a traditional preschool facility (nursery school). There is a classroom with a playroom where an experienced teacher works with the children, watching over their

all-round development. Leisure activities also vary based on the age of the children in the facility. Leisure teachers organise trips, sports and educational events for children outside the facility. There are also two rooms for leisure activities at the back of the building, which are for adults. One of the rooms serves as a reading room; it offers books and magazines in various languages. The second room functions as an art workshop, where it is possible to paint, sew, wire, make ceramics or knit with the assistance of leisure teachers. The children's centre building is connected to an external multi-purpose playground and a gym for indoor sports activities in cases of bad weather.

94. The range of leisure activities is set up to meet the needs of the foreigners at the facility. The facility has several common rooms with TV, internet rooms, a room with a projector, a gym, a gymnasium, an art workshop, a library and more. The emphasis is on making the children in the facility feeling as comfortable as possible. However, there is also a wide range of leisure activities for adults. The outdoor areas are equipped for activities of children and adults (elements for children's play, exercise elements for adults, playground, outdoor sports fields, etc.). Additional leisure activities are also carried out in cooperation with NGOs that try to make the children's stay in the facility more varied. It is the same case in the asylum centres.

95. Persons staying in the Bělá facility will receive hygiene/sanitary packs together with an information package. All sanitary items are then periodically replenished. Great emphasis is placed on the needs of the children who stay in the facility. Meals are provided to foreigners thrice a day in a common dining room. Foreigners have the opportunity to choose their type of diet with different preferences, namely "without restrictions", "vegetarian" and "excluding pork". Clients are provided with an appropriate diet if prescribed by a doctor. If foreigners have the necessary financial means, they are entitled to order additional food. Children have five meals a day. Furthermore, pregnant or breastfeeding women can take advantage of specially tailored food packages. There are common kitchens on each floor of the accommodation unit, which have the basic equipment and the clients can use them to satisfy their individual needs (prepare child food, etc.). A similar regime is in place in asylum centres, however, food is not necessarily served there. In this case, clients receive a financial contribution in advance for purchasing food to prepare their own meals. On arrival, they are loaned all the necessary kitchen equipment to prepare their meals. Other kitchen appliances are loaned to them if needed.

96. Persons in the Bělá facility are provided with necessary and urgent medical care following the Act on the Residence of Foreign Nationals. Given the specific group of foreigners detained here, a paediatrician and a psychologist also attend the facility. The paediatrician has a separate office equipped for paediatric care. In addition to a fully equipped office for medical staff, the healthcare facility also includes an X-ray workplace. As a result, detained foreign nationals do not have to be escorted to an external medical facility to take X-rays anymore. The healthcare facility also has an inpatient section, including medical isolation. If necessary, specialised medical care is provided in healthcare facilities outside the facility/centre. Clients of asylum facilities are included in the public health insurance system by law and thus have identical access to health care as all Czech citizens, which they can seek outside the facility. During the first contacts with doctors, our staff provides clients with all-round assistance to reduce the risk of misunderstandings when finding a doctor and communicating with them.

97. The obligation to contribute to the costs of detention arises by law and subject to judicial review. The abolition of this obligation is not being considered. On the other hand, staying in asylum facilities is free of charge if the person does not have sufficient means to pay, even if only partially in line with EU law.

98. Statistics on the arrival of children in asylum and detention facilities, alternatives to detention, numbers of detentions and voluntary returns are provided in Annex 8.

99. In the detention facilities for foreigners and residential facilities administered by the Refugee Facilities Administration of the Ministry of the Interior, procedures are set up for any complaint by foreign clients under the internal management regulation. Information on the reception and handling of complaints is published in the individual facilities in language versions in publicly accessible places. Procedures are set up within the internal regulations

for the objective and comprehensive handling of each case. Of the 145 complaints received during the reporting period, not a single one could be specified as a complaint by a victim of torture, cruel or inhuman treatment. In two cases, the disagreements between the clients were about name-calling and threats of physical harm, but in neither case was such a threat proven. Foreigners are informed that social workers in the facilities can provide them with help and support at any time if needed, e.g. when making a notification to the law enforcement authorities.

100. The case of sexual abuse committed in June 2020 in the quarantine area of the Bělá-Jezová reception/detention centre is currently the subject of proceedings for compensation, in which the victims are seeking compensation. The perpetrator of the attack has been convicted and is serving a sentence of imprisonment. No fault was found in the procedure of the State authorities.

Reply to paragraph 20 of the list of issues

101. The handling of complaints about actions of the employees of the Prison Service is still carried out under the Regulation of the Director General on the handling of complaints and notifications in the Czech Prison Service. Under this Regulation, complaints must be promptly investigated by objectively determining the facts of the case in all complaint points, or referred to another responsible body for further investigation and resolution.² A summary is annexed, which contains the total data of the complaints handled and the data on crimes related to the prison service performance and work with inmates. Data on complaints of ill-treatment in prisons are provided in Annex 9.

102. The imprisoned persons may directly contact the General Inspection of Security Forces or the supervising regional public prosecutors in case of suspected torture or ill-treatment by the Czech Prison Service employees. Their submission is not subject to any restrictions or controls by law. The Prison Service is not linked to these institutions neither hierarchically nor institutionally to avoid any risk of conflict of interest. In cases where the employees of the Czech Prison Service are subject to criminal or disciplinary proceedings, they are subject to the Act on the service of members of the security forces or, in case of civil employees, to the Labour Code.

103. According to the law, the main task of the General Inspection of Security Forces (GIBS) is to search for, detect and verify facts indicating that a crime has been committed by a member of the Czech Police, the Czech Prison Service, the Czech Customs Administration or by any of their civil employees if connected to the performance of their work. The offences committed by the members and employees of the Inspection itself are investigated directly by the public prosecutor. The Inspection is a public body with its own separate budget. The Inspection has 279 service members and 54 employees. Approximately 100 Inspection officers have been replaced since 2018, meaning that the number of former officers of the Inspection of the Ministry of Interior has been reduced by 50% so the GIBS is no longer composed mainly of their former members. Former members of all security forces may serve in the GIBS, but the recruiting of civilian members has been considerably strengthened since 2018. All newly recruited GIBS officers are subject to stringent requirements for performing their duties. The GIBS has also become a more desirable security force in the reporting period, as apparent from the increased interest in serving in the GIBS.

104. The criminal activities of the Czech Prison Service employees are analysed every six months based on data about the activities of GIBS. However, the category of “ill-treatment of an imprisoned person” is not commonly referenced, so the following types of conduct were included: physical assault of an imprisoned person; negligent homicide of an imprisoned person; failure to offer aid or assistance to an imprisoned person; abuse of power in relation to the rights of an imprisoned person; sexual coercion of an imprisoned person and extortion of an imprisoned person. Annex 10 contains statistical data from the Analysis of Criminal Activity of the Czech Prison Service Employees for 2018–2020 and the first half of 2021 presenting the number of criminal prosecutions and final convictions.

² Further information is contained in the sixth periodic report of Czechia, point 137 et seq.

105. The person submitting a notification of the offence has the right to be informed, upon request, within one month of the measures taken. If the public prosecutor finds no suspicion of a crime, an administrative offence or a disciplinary misconduct, they will decide to discontinue the case. Other reasons for discontinuing a case may be situations where the criminal prosecution is inadmissible or impractical, facts justifying the initiation of a criminal prosecution have not been established, etc. If the injured person is known, the decision not to proceed must be served on them any they may lodge a complaint to review the public prosecutor's decision. Moreover, a constitutional complaint is admissible against the decision not to proceed with a case. If the notifying person is not the same as the injured person, they shall be informed of decision not to proceed with the case upon request. These decisions are always sent to the Supreme Prosecution, who may revoke them within three months. Furthermore, the injured person may also submit a suggestion to the superior public prosecutor to carry out supervision. The legislation thus provides the injured persons with sufficient tools for reviewing the procedure of the public prosecutor.

Reply to paragraph 21 of the list of issues

106. The Czech Police handled 1 811 complaints in 2018, of which 48 concerned the use of physical violence (3 partially justified) and 71 the use of force and weapons (2 justified and 9 partially justified). In 2019, 1 759 initial complaints were handled, of which 45 related to the use of physical violence (1 justified and 4 partially justified) and 45 to the use of force and weapons (1 justified and 7 partially justified). In 2020, 1 625 initial complaints were handled, of which 28 concerned the use of physical violence (1 justified and 2 partially justified) and 43 the use of force and weapons (1 justified and 5 partially justified). Annex 11 contains the number of persons prosecuted – police officers, prison service officers, customs officers and civilian employees, the number of individual crimes investigated and a general overview of complaints.

Reply to paragraph 22 of the list of issues

107. There have been no major changes to the legislation on the provision of remedies and compensation to victims of ill-treatment. The process described in paragraphs 172 et seq. of the sixth periodic report continues to apply.

Reply to paragraph 23 of the list of issues

108. In the matter of illegal sterilisations, the Act on the provision of a lump sum of money to illegally sterilised persons ("Act on Compensating Victims of Illegal Sterilisation") was adopted with effect from 1 January 2022. The Act specifies the conditions of providing a lump sum of CZK 300 000 to persons sterilised illegally from 1 July 1966 until 31 March 2012. Illegal sterilisations are sterilisation performed without free and informed consent, i.e. through any coercion, compulsion or persuasion, without informing the patient in an intelligible manner and to a sufficient extent about her health condition and the purpose, nature, expected benefits, possible consequences and risks of the sterilisation procedure and other options for dealing with the health condition, their suitability, benefits and risks, or through persuasion in the form of a social benefit. The claim must be filed at the Ministry of Health within three years of the Act taking effect. The claim for compensation must include a description of the relevant facts of the case like the identification of the facility performing the sterilisation, the date and the circumstances of the whole sterilisation procedure. The claim is decided in an administrative procedure by the Ministry of Health and the decision may be subject to judicial review. The Act also sets a period of 10 years from its entry into effect, during which the necessary medical documentation must not be shredded or destroyed in any way.

109. As of 9 February 2023, the Ministry of Health has registered 528 claims under the Act on Compensating Victims of Illegal Sterilisation. Of these, 247 claims were granted (corresponding to CZK 74 100 000), 162 claims were not granted and the proceedings were discontinued in 40 cases. The reason for not granting the claim was the same in all cases,

namely the failure to prove the illegality of the sterilisation or the sterilisation itself. With regard to this special mechanism, no amendments are currently planned to the general limitation period that would, in line with the legal certainty principle, not apply to previous cases anyway.

110. There are currently no plans to abolish the court fee for the initiation of proceedings for compensation for damage or other harm caused in the exercise of public authority by an unlawful decision, a decision on remand, a sentence or a protective measure or an incorrect administrative procedure. The fee was introduced in 2017 and it is set at CZK 2 000. Its introduction was due to the frequent abuse and filing of unfounded claims or speculative actions motivated by the lack of court fees, which overwhelmed the courts. The introduction of a court fee shall prevent the abuse of the exemption from court fees. The regulatory function of court fees provides an economic incentive for potential parties to the proceedings to consider their chance of success before commencing proceedings. The Constitutional Court has agreed with this approach in several decisions. After introducing the fee, there was a decline in incidence of claims, which has continued to the present day. There are also a number of exemptions from the payment of court fees, one of which includes specifically the action to provide a lump sum of money to illegally sterilised persons. In the case of other actions, it is possible to make use of Section 138 of the Code of Civil Procedure, which allows for partial exemption from court fees if the financial circumstances of the party to the proceedings so justify and, in exceptional cases, even full exemption from court fees.

Reply to paragraph 24 of the list of issues

111. Following Section 89(3) of the Code of Criminal Procedure, evidence obtained by unlawful coercion or the threat of such coercion is absolutely inadmissible. It can only be used as evidence against the person who used the unlawful coercion or threat of coercion. Evidence obtained by unlawful coercion or the threat of such coercion is absolutely ineffective and its defect cannot be cured. These evidence also includes evidence obtained by torture or cruel, inhuman or degrading treatment, as confirmed by the European Court of Human Rights' case law. The Supreme Court applied the above-mentioned provision of the Code of Criminal Procedure in the case of a police officer and his colleagues who, while on duty in criminal proceedings, insulted and threatened the accused person during questioning with negative consequences.³ In its decision, the Court emphasised that coercion to testify, in particular by violence, threat of violence and other aforementioned methods, is inadmissible and cannot be legally justified. Arguments about breach of Section 89(3) of the Code of Criminal Procedure have also appeared in a number of court proceedings where defendants have challenged unlawful acquisition of evidence, but in none of these cases have the courts found that this actually occurred.

Reply to paragraph 25 of the list of issues

112. The Czech law allows for prompt, thorough and effective investigations of all threats and attacks targeting minority groups, including any alleged discriminatory motives that may provoke these actions and guarantees that those responsible for these crimes are tried and punished. The Government considers the fight against hate speech to be a clear priority. The Concept against Extremism and Prejudiced Hatred was approved and evaluated every year. These evaluations resulted in specific tasks for the central State administration bodies. Particular emphasis was placed on the education and training of police officers and prosecutors. Therefore, regular training activities were organised for them. An online form has been launched for filing a criminal complaint about wrongful hate content online. In the area of assistance to victims of crime, it is worth pointing out the cooperation with the non-governmental sector or the counselling activities of the Probation and Mediation Service. The Government responded to the qualitative change in the hate spectrum consisting in a decline in the influence of traditional extremist groups and their replacement by xenophobic populist entities and activists by adding the concept of extremism to the concept of prejudiced

³ Decision of 11 May 2021 ref. No 7 Tdo 411/2021.

hatred. The new Concept against Extremism and Prejudiced Hatred 2021–2026 and the Action Plan against Extremism and Prejudiced Hatred 2021–2022, which build on previous activities, also take this concept into account.

113. Any signs of rude, impolite or similar behaviour by a police officer are investigated by the relevant internal inspection bodies. Information on how to complain about actions of the police is published on the website of the Czech Police.⁴ The Czech Police also methodically guides officers to document every action during which a police officer performs their tasks and comes into contact with another person, such as interventions, identification, road checks, etc. Instruction of the Police President on taking visual, audio or combined recordings was issued for this purpose.

114. The current Government, including the Minister of the Interior, has clearly and regularly stood against any manifestations of racism, extremism and prejudiced hatred. From the beginning of 2023, a new national police unit will be established within the Czech Police to deal with extremist crimes and prejudiced hatred. Such acts are currently being dealt with by the National Centre for Combating Organised Crime. This will improve the specialised focus of the newly established unit.

115. Annex 12 contains a summary of recorded crimes with extremist overtones for each year of the reporting period.

Reply to paragraph 26 of the list of issues

116. Since 2012, the Act on specific health services has been in force which sets out strict conditions for the surgical castration of persons with paraphilic disorders who have committed a violent sexually motivated crime and are medically proven to be highly likely to reoffend in the future. Other methods of treatment must prove unsuccessful or medically inapplicable. The conditions were modified by an amendment effective from 2017, which allowed patients with a proven paraphilic disorder that has a serious negative impact on their quality of life and may highly probably lead to committing a sexually motivated crime in the future to request castration to prevent such a crime. The conditions of previous unsuccessful hormone treatment and a positive opinion of the commission apply in such cases. The amendment also lowered the age limit for castration to 21 years, when the patient is mentally and personally mature enough to give informed consent. The free and fully informed consent of the patient and the consent of the expert committee are always required for castration, to which, in the case of persons under protective treatment or preventive detention, the consent of the court is added, as well as the condition of a serious negative impact on their quality of life. Persons in remand, serving a sentence of imprisonment or with limited legal capacity cannot be castrated at all. These strict conditions lead to very low numbers of castrations being permitted and performed. Between 2018 and 2022, the expert committee for therapeutic castration discussed and recommended 4 requesting patient for surgical castration. We still believe that this is a treatment option the patient should be able to choose.

117. Section 29 of the Civil Code states that legal gender recognition of an individual can take place after a simultaneous surgical disabling of the reproductive function and transformation of the genitalia. This provision is followed by the legal regulation in the Act on Specific Health Services and the Act on Registry Offices, Name and Surname. The surgery may be performed on a patient who has been diagnosed as having a gender identity disorder, is over 18 years of age, has demonstrated the ability to live permanently in the opposite gender role and is not married or in a same-sex partnership or had them ended before-hand. The patient must submit a written request and a positive opinion of a specialised committee established by the Ministry of Health consisting of a healthcare expert from the Ministry of Health, a sexologist, a psychiatrist, a clinical psychologist, an endocrinologist, an urologist or gynaecologist and a medical law expert. The operation itself is then subject to second patient's written consent immediately before start. The health care provider shall issue a certificate to the patient after the operation and send it to the registry office within 3 working days. The registry office shall make an additional entry of the change of sex in the birth

⁴ <https://www.policie.cz/clanek/urad-vnitri-kontroly-jak-a-kde-si-muze-obcan-stezovat.aspx>.

register on the date specified in the certificate. Upon the individual's request, the registry office shall then authorise the change of the name and surname to a name and surname corresponding to the new gender. During the treatment before the surgery, the person may use the first and last name in a gender neutral form.

118. This practice is now considered outdated and, above all, contrary to Czechia's international obligations, namely the European Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights, as well as the European Social Charter and the decisions of the European Committee on Social Rights, one of which refers directly to Czechia. Therefore, in 2018, an amendment to the Civil Code was drafted to allow official legal gender recognition without disabling the reproductive function or any surgical interventions. The official legal gender recognition was to take place on the basis of the personal declaration before the registry office, accompanied by a medical certificate on gender incongruence. However, the Government did not accept the proposal until present.

Reply to paragraph 27 of the list of issues

119. The amendment to the Act on the Residence of Foreign Nationals, in effect since August 2021, contains a new legal regulation of the procedure for determining statelessness. The Ministry of the Interior decides on the determination upon request within 6 months. The Ministry shall provide an interpreter if necessary. A court may review the decision. If a person is granted the legal status of a stateless person, they are issued an identification card confirming their status as an stateless person and a tolerance visa which is not a residence permit, but entitles the applicant to legal residence in the territory. Applicants are. A stateless person is able to work after 6 months and has access to public health insurance. A definition of statelessness with a more detailed regulation of the status of stateless persons is currently contained in the draft amendments to the Asylum Act, the Act on the Residence of Foreign Nationals and related laws currently going through the legislative process.

120. Stateless persons are registered in the territory of Czechia, but not all of them have to apply to Czechia to receive this status. In the special procedure for granting stateless status, 53 applications were submitted, 22 persons were granted the status, 20 persons were not granted the status and 11 procedures are still pending as of 18 February 2022. Annex 13 shows the number of stateless persons by residence title and data on international protection granted.

Reply to paragraph 28 of the list of issues

121. Czechia has long paid attention to fulfilling children's right to an education free from corporal punishment. Although experts have long warned of the consequences of corporal punishment, their acceptance as a possible educational tool is deeply rooted in Czech society and there is relatively strong resistance to their ban. This may also be due to the lack of knowledge about other forms of upbringing and the fear of criminalisation of parents using corporal punishment in their upbringing. The Government is aware that a legislative ban alone will not resolve the situation and that it must be accompanied by other measures. The need to change society's attitude towards corporal punishment is repeatedly reflected in strategic documents. Together with legislation banning corporal punishment of children, further steps will be taken to make it socially unacceptable. It will be necessary to offer parents other ways of bringing up their children. Therefore, an awareness campaign on positive parenting is being prepared. Experts stress the need for paediatricians, pedagogical workers, authorities of social and legal protection of children, social workers, police, judges and other judicial or other professionals who are confronted with corporal punishment of children to know how to proceed towards the child and the parent and work together with the family for a long term improvement of the situation.

122. Specifically, the Government approved the *National Strategy for the Protection of Children's Rights 2021–2029*. The Strategy has six sub-objectives, one of which is dedicated to safeguarding children in a family environment with a key topic of violence against children

in all its forms following Article 19 of the CRC. One of the measures is the awareness-raising on positive parenting and the reduction of social tolerance of child abuse and neglect, including the inadmissibility of corporal punishment of children. Subsequently, the Action Plan for the Implementation of the Strategy 2021–2024 was adopted, which foresees the implementation of the awareness-raising campaign by the end of 2024. The topic of violence against children, or physical punishment of children, is also addressed in a section of the Action Plan for Preventing Domestic and Gender-Based Violence for 2019–2022. Its main priorities are to ensure the availability of specialised services for persons at risk of violence and their children and to establish standards for working with children at risk of family violence. Therefore, in 2022, the Common Minimum Multidisciplinary Standards for Working with Child Victims of Family Violence and the Minimum Standards for Violence-Free Centres were created.

123. Based on the Strategy and the Action Plan, the Ministry of Labour and Social Affairs is working hard to raise awareness about corporal punishment and positive parenting. It will be important to change the perception of punishing children and the consequences of corporal punishment for the child. The Ministry produces information leaflets on the unacceptability of corporal punishment and maps services and facilities working with parents and children on positive parenting. The leaflets aim to provide brief and clear information about the fact that corporal punishment is unacceptable and to present other options for upbringing and positive parenting. They also include contacts to services and organisations helping the family with problematic situations and finding subsequent possible solutions.

124. At present, following the Act on social and legal protection of children a court can order the temporary removal of a child from the care of their parents because of a threat to its proper upbringing due to excessive punishment. The child is placed in a residential facility for up to 3 months, with the possibility of subsequent extension up to 6 months. The court is entitled to order the removal either on a motion by a child protection authority, or ex offio, if the situation cannot be resolved in any other way and previous measures such as warnings, supervision, restrictions, professional counselling, family therapy or mediation have failed.

125. The gradual reduction of institutional care for children under three years of age from 1 January 2025 is a significant step in this area. All children under the age of three should be placed in foster families from 2025. The only exception is institutional care for children with severe disabilities when their life or health is in danger. Foster care benefits have been adjusted and increased from 1 January 2022, to ensure, among other things, a sufficient number of foster carers for young children.

Reply to paragraph 29 of the list of issues

126. Several measures were taken in prisons in 2020 restricting some prisoners' rights to prevent the introduction of coronavirus. Above all, visits by relatives and other persons such as social services workers or the Probation and Mediation Service staff were prohibited. However, the ban did not apply to defence counsel, etc. Therefore, the Czech Prison Service improved its technical and IT equipment to provide alternatives for communication between prisoners and their relatives and supporters. These included the "Skype – defence counsel" project for prisoners to communicate with their lawyers, and the "Skype – visit" project to maintain family contacts of the imprisoned persons. At the same time, videoconferencing equipment of the Ministry of Justice was used to the maximum extent possible for communication with the courts and representatives of the Probation and Mediation Service. Following the end of the ban on visits, imprisoned persons were allowed to receive one person per visit, or one person with one child under the age of 15, who are not allowed to enter prisons alone. In addition to the ban on visits, the interruption of imprisonment and the possibility of leaving prison for short periods have also been suspended from March 2020. The total ban on prison visits was renewed in the context of the second wave of the disease in the autumn of 2020 and lasted until the spring of 2021. Subsequently, the number of visitors was limited or special conditions were set for proving infection-free status allowing only visits by vaccinated, negatively tested or newly recovered persons.

127. The restrictions caused by the epidemic also affected the operation of facilities for the detention of foreigners. Quarantine measures have been implemented to protect both the staff and the clients. The detention facility in Bělá-Jezová has been specially allocated for the quarantine of applicants for international protection and the detention of foreigners. Therefore, all applicants for international protection and all detained foreigners remained in this facility either during the 14 days of quarantine or until they were tested for Covid-19. Similar quarantine facilities were later established in Balková and Vyšní Lhoty. Legal and social assistance was mainly provided remotely. In 2021, the placement of foreigners in isolation and quarantines was used to the extent necessary, based on a decision of the competent public health authority. Foreigners placed in a detention facility for foreigners were allowed to receive vaccinations. Personal protective equipment and disinfectants continued to be used as much as possible and social distancing was employed. Other measures consisted of regular testing of persons or modification of visiting rules.

128. Restrictions in health care facilities included a ban on visits in psychiatric hospitals, with exceptions for, e.g., guardians of persons with limited legal capacity, quarantine measures for new patients together with restrictions on their movement within the hospital, or restrictions or bans on leaves. In May 2020, the Ministry of Health sent the Recommendation for Psychiatric Hospitals on the Implementation of Patients' Rights following the epidemiological measures related to the COVID-19 pandemic to psychiatric hospitals. The measures were then gradually relaxed from the end of May 2020. In June 2020, a summary report from psychiatric hospitals on implementing the Recommendation was prepared, which found that care was limited only to the extent necessary as a result of preventive measures and that patients were not in prolonged isolation. Based on the Government's emergency measures, visits to patients in health care facilities providing acute, long-term or follow-up inpatient care were restricted in the context of the second wave of the epidemic in winter 2020/21, and subsequently, thanks to the development of vaccination, visits were made conditional on proof of infection-free status, the obligation to wear protective equipment and to comply with the local measures. Visits were also limited to 30 minutes.

129. The epidemic has also necessitated many restrictions in social services facilities. During 2020, there was a ban on visits to residential social services facilities and clients leaving the facility's premises. Some outpatient social services were closed during the spring emergency to protect clients and social service workers. However, these closures have complicated social assistance and support for their clients. Therefore, during the autumn state of emergency, social services were no longer closed and instead the Ministry of Labour and Social Affairs took measures to ensure the sufficient and safe functioning of all forms and types of social services and issued 19 recommended procedures for social service providers further elaborating and specifying anti-epidemic measures. An advisory phone line for social service providers was established and special subsidies for social services and the remuneration of social workers in regional and municipal authorities were announced. From October 2020, visits to residential social services have been banned again. Visits were only partially allowed in late 2020 subject to strict public health measures. At the beginning of 2021, clients could leave a facility with protective equipment and upon return to the facility they were isolated for several days and had to undergo two SARS-COV-2 virus tests. However, the court subsequently annulled this measure on the grounds of unreasonable interference with the rights of the facility's clients.

130. In 2020, the Act on certain measures to mitigate the impact of the SARS CoV-2 epidemic on persons involved in legal proceedings, victims of crime and legal persons was adopted. This Act responded to the state of emergency declared for the entire state due to the epidemic and crisis measures restricting movement, stay or holding meetings and events. The Act made it possible for a person missing a deadline to request restoration of the deadline in all relevant cases. Similarly, it was possible to excuse some otherwise not excusable time limits in administrative proceedings for victims of crime (incl. torture) to allow them the proper exercise of their rights.

131. The number of uses of measures restricting the movement of persons in social services in Czechia (not related to the COVID-19 pandemics) is included in Annex 14.

Reply to paragraph 30 of the list of issues

132. In 2018, the Ministry of Labour and Social Affairs issued a recommended procedure for using restraints. The procedure sets out principles for preventing situations that could trigger the need to restrain a person and emphasises individualised support for persons with behavioural risks. In drafting the regulation, the Ministry of Labour and Social Affairs followed the desire to protect persons from the misuse of restraints and to protect social services employees. The Inspection of Social Services inspects the use of measures restricting the movement of persons with the utmost attention to ensuring fundamental human rights in terms of the provider's compliance with procedural acts. This includes checking whether the provider has implemented the measures restricting the movement of persons reasonably or whether the provider creates such conditions while providing the social service to prevent the need to use measures restricting the movement of persons. The Ministry of Labour did not address any situation that would fit the category of torture and other cruel, inhuman or degrading treatment or punishment during the entire reporting period.

133. In 2020–2021, an Analysis of the Availability of Specialised Social Services for Persons at risk of Domestic and Gender-Based Violence in Czechia was conducted. The main objective was to determine the current situation in terms of quality and availability of specialised services for persons at risk of domestic and gender-based violence. The entity processing the analysis identified a set of 28 criteria for determining the specialisation of social services for persons at risk of domestic and gender-based violence. Based on the analytical work carried out, the processor formulated 14 recommendations that should be implemented in Czechia to improve the provision of social services for persons at risk of domestic and gender-based violence.

134. An Analysis of Violent Acts against Persons with Disabilities in Residential Social Services was published in 2020 within the “Life like everyone else” system project. This analysis presents the results of a qualitative research study on violence against persons with disabilities in residential social services, including prevention and solutions. The research survey was conducted by interviewing employees and clients of residential social services and by analysing the internal rules of social service providers; furthermore, available statistics from the Ombudsperson's Office and the Police Presidium are included. The analysis concludes by proposing State measures to reduce the incidence of violent behaviour in residential social services. The aim of the substantive proposals for action is to contribute effectively to reducing the incidence of violent behaviour against persons in residential social services, or to support the creation of an objective and subjective sense of safety for service users when reporting suspected violent behaviour. The proposed measures include the identified problem, the proposed solution and its impact on legislation, the expected financial intensity and the expected benefits.
