



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

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**Committee against Torture  
Forty-eighth session**

**Summary record of the 1071st meeting**

Held at the Palais Wilson, Geneva, on Tuesday, 15 May 2012, at 3 p.m.

*Chairperson:* Mr. Grossman

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(*continued*)

*Combined fourth and fifth periodic reports of the Czech Republic (continued)*

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Combined fourth and fifth periodic reports of the Czech Republic (continued)  
(CAT/C/CZE/4-5; CAT/C/CZE/Q/4-5; CAT/C/CZE/Q/4-5/Add.1)*

1. *At the invitation of the Chairperson (Rapporteur for the Czech Republic), the members of the delegation of the Czech Republic took places at the Committee table.*
2. **Mr. Hudeček** (Czech Republic) said that, in the Czech Republic, article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was directly applicable, and that the definition of torture contained in the Convention was considered binding under the Criminal Code. Article 149, paragraph 1, of the Criminal Code declared a criminal offence, punishable by law, any act of torture or other cruel, inhuman or degrading treatment inflicted in the exercise of official authority, irrespective of the identity of the perpetrator. The penalty was a prison sentence of between 6 months and 5 years, which could be extended to 18 years under aggravating circumstances.
3. With regard to the difference between custody and detention, it should be noted that, in the Czech Republic, no measures involving the deprivation of individual liberty could be taken before formal charges were brought against a suspect. Detention was only justified in very specific cases, when the conditions laid down in articles 67 and 68 of the Code of Criminal Procedure were met. It could only be authorized by a judge, and detainees were held separately from convicted offenders. When a detainee was sentenced to imprisonment, the length of time spent in pretrial detention was taken into account when calculating the total length of the sentence.
4. Accused persons or suspects could be taken into custody by the police, who were required to comply with a number of conditions, set out in articles 75 and 76 of the Code of Criminal Procedure. For example, the police had to inform the prosecutor, who could order the person's immediate release or, within 48 hours, request the court to authorize the detention. The court had to issue a ruling within the following 24 hours. As a result, any person suspected of having committed a criminal offence could only be held in custody for a maximum of 72 hours.
5. In the Czech Republic, consultations were currently being held with a view to signing the International Convention for the Protection of All Persons from Enforced Disappearance. Article 401 of the new Criminal Code classified as criminal offences: abduction, detention in an undisclosed location, or any other restrictions placed on an individual's liberty constituting enforced disappearance. Such offences carried a prison sentence of between 12 and 20 years, or even a life sentence. Measures to harmonize the provisions of the Czech Criminal Code with those of the Convention were currently under consideration.
6. Concerning financial assistance for victims of crime, parliament was currently examining a bill on victims of crime. Article 33 of the bill stipulated that the request should be submitted immediately to the State, which should, without delay, provide the financial assistance that would be reimbursed by the offender at a later date. The main objective was to ensure that the victim received compensation straight away.
7. The Czech Government was currently considering the matter of prisoners being required to contribute to the cost of their imprisonment. Such measures only applied to detainees in employment, or with other sources of income, at a rate equivalent to 32 per cent of their net income, up to a maximum of €60 per month. Although the matter was

currently under consideration, the Government had yet to make a decision. The aim continued to be the reintegration of prisoners and efforts to ensure that, on release, they would be able to find work and support themselves: contributing to the cost of their imprisonment should help to increase their awareness in that regard. Moreover, it was up to a judge to decide whether an offender should pay his or her detention costs, which currently amounted to €1.80 per day.

8. The decision as to whether a prisoner was permitted to work was taken by a special commission; a prisoner's fitness for employment was assessed by a doctor. Prisoners worked within the penitentiary establishment itself or, if they obtained the necessary authorization, outside the prison environment, where they were employed either by the prison or a private employer. Their working conditions were regulated by the Labour Code and their salaries by an administrative regulation.

9. The problem of prison overcrowding was due to an increase in the number of cases where convicted offenders subject to alternative sentencing measures had failed to fulfil the terms of their sentences (which had subsequently been converted into prison sentences), as well as the increased efficiency of the courts, shorter criminal proceedings and a reduction in the number of persons sent to prison who evaded imprisonment.

10. Between 2007 and 2011, the average number of suicides recorded in the Czech prison system had stood at 12 cases per year. The most common method of suicide was hanging. All suicides or attempted suicides were the subject of an in-depth investigation by the Prison Service.

11. The decision to place a prisoner in a high security unit was taken, at the request of the prison governor, by a special commission appointed by the Director General of the Prison Service. The maximum length of time a prisoner could spend in a high security unit was 12 months, although such placements generally lasted approximately 6 months. The special commission also decided on the end of the placement period. All decisions relating to the transfer of prisoners to a high security unit and the end of the placement period had to be justified.

12. Under Czech law, solitary confinement was referred to as the "separate incarceration of convicts". The decision to place a prisoner in solitary confinement, a measure which could only be applied in exceptional cases and for a maximum of 24 hours, was taken by the highest ranking prison official. The intervals at which the prisoner was checked were established by the prison governor.

13. Since 1 April 2012, persons providing medical care were responsible for ensuring that individuals held in pretrial detention, prison or high-security detention facilities received treatment in the presence of a prison official. Although the official was present during the medical examination, he or she was not permitted to listen to the conversation, unless there was a risk of an attempt being made on the life of medical or other staff, in which case, he or she was authorized to listen to what was said. As far as psychological assessments were concerned, psychiatrists had indicated that the process of interviewing detainees through security grates had no negative repercussions on their work, and no complaints had been filed by detainees in that regard.

14. The problems of prison staff shortages and violence among prisoners were closely related. There was a system in place for assessing risks and preventing and detecting violence among inmates, and measures were taken to identify potential victims and perpetrators among the prison population. They were subjected to increased surveillance, and preventive measures were taken to protect potential victims. Under no circumstances were potential victims and potentially violent prisoners allowed to share the same room or cell.

15. Prisons were slightly understaffed, with a particular shortage of prison wardens, specialized staff and tutors. However, the Prison Service was the only branch of the security services to have increased its staff levels. That increase, however, had not kept pace with the rise in the prison population.

16. Conditions governing diplomatic assurances were established according to the situation in the State concerned. In general, there was an emphasis on ensuring that the consular services of the Czech Republic in the country concerned were able to verify how an extradited person was treated, for which purpose a Czech official needed to have access to that person. That right of access had to be explicitly mentioned in the diplomatic assurances. A court carried out an independent assessment of the assurances issued in each case. Assurances could also be issued by a central judicial authority, such as the Ministry of Justice or the Office of the Attorney General; in such cases, steps were taken to verify whether those assurances were observed at all stages of the criminal justice process. If the assurances were issued by an embassy, checks were carried out to ensure that the central judicial authorities of the State concerned had been consulted beforehand. The Ministry of Justice decided on extradition requests, on the basis of a court ruling. If the court rejected the extradition request, the Minister of Justice could also request the Supreme Court to review the ruling.

17. Pursuant to article 400 (b), paragraph 4, of the Code of Criminal Procedure, the period of time spent in custody prior to extradition could not exceed 3 months. If the extradition could not take place for unforeseen reasons, the judge responsible for authorizing custody could, at the request of the Ministry of Justice, decide to extend the custody period by a maximum of 3 months. Therefore, the maximum length of time a person could remain in custody prior to extradition was 6 months. Once that time limit had expired, the person in question had to be released, although the State requesting the extradition could file a new request, concerning the same person and the same criminal offence.

18. Extradition with the consent of the person concerned, described as a fast-track extradition procedure, was defined in section 398, paragraph 1, of the Code of Criminal Procedure. The risk of torture or other cruel or inhuman treatment in the country to which the person was to be extradited had to be assessed by the Attorney General beforehand. In the event of reasonable doubt, the Attorney General would not take into account the consent of the person concerned and would seek the opinion of the courts. It was up to the Minister of Justice to act on that opinion or not.

19. **Ms. Holuřova** (Czech Republic) said that the General Inspectorate of the Security Forces was an independent body, with its own budget and a director who had been appointed in March 2012. External oversight was provided by a permanent commission from the Chamber of Deputies. Its mandate included investigating the conduct of all law enforcement bodies, with the aim of combating corruption within those entities.

20. The removal of perpetrators of domestic violence from the family home was regulated by the Police Act. The removal order was valid for a period of 10 days, but could be extended by the courts from 1 month to 1 year. The victim could also request a civil court to take preliminary measures to extend the validity of the removal order, or prevent any contact by the perpetrator. After three days, the police would verify whether the perpetrator had indeed departed. Upon expiry of the removal order, or after 10 days, the victim was contacted by a specialist centre which provided counselling, if desired. Under the new Domestic Violence Act, the victim would be afforded special protection.

21. The Ministry of the Interior had devised a new national strategy to combat human trafficking. Moreover, specific attention was paid to the issue of forced labour, which was the subject of extensive debate in the Czech Republic because of a significant influx of

persons from European countries such as Romania and Bulgaria, for whom no protection measures had been put in place. Although they were covered by a special regime under the provisions of the Residence Act, such persons were mainly cared for by NGOs.

22. A special programme to protect trafficking victims had been established with the cooperation of the crime prevention department of the Ministry of the Interior. Victims were allowed to remain legally in the Czech Republic provided they cooperated with the law enforcement authorities. Special protection was afforded to them (psychological counselling, housing, etc.). To date, no person had been convicted for crimes relating to forced labour. However, the Government continued to cooperate with other States in that area.

23. As far as migration was concerned, new alternatives to detention had been adopted, including measures whereby foreigners were required to provide an address or to pay bond money. The police were obliged to try such alternative measures before they arrested foreigners.

24. Asylum legislation did not provide for the detention of families in asylum centres. No such cases had been recorded during the previous year or the current year. Pursuant to the legislation governing residence, families subject to administrative expulsion measures could be placed in detention, but very few cases had been recorded during the previous year and that legislative provision was not implemented in practice. All asylum centres complied with international standards. The Ministry of the Interior was responsible for issuing permits to set up detention centres for foreign nationals, while the practical work was entrusted to the Refugee Facilities Administration.

25. In accordance with the legislation governing residence in the territory of the Czech Republic, residence permits and visas were no longer issued by the Immigration Police but by the Ministry of the Interior. That measure was intended to ensure transparency in procedures and to prevent corruption. The programme for the voluntary return of foreigners described in the report, which had ended in December 2010, had aimed to help the large number of foreigners legally resident in the country who had lost their jobs as a result of the economic crisis to return to their countries of origin, including through the provision of financial assistance. The above-mentioned programme to provide assistance and protection to trafficking victims, and the programme to combat illegal immigration, also contained a provision on voluntary returns.

26. The Czech Republic had signed readmission agreements with 14 States. However, as the Constitutional Court had ruled, a foreigner could not be expelled without considering whether there were substantial grounds for believing that he or she would be in danger of being subjected to torture in the country of deportation. Procedures to protect foreigners in that respect were applicable to all persons, without exception, including those considered as posing a threat to national security. As far as relations between the police and minorities were concerned, the Ministry of the Interior drew up quadrennial strategies for policing in minority communities. Police officers liaised with minorities and were involved in a broad prevention programme which aimed, amongst other things, to promote the employment of Roma from socially marginalized communities. Police officers were also trained to identify racially motivated offences and were encouraged to combat xenophobia and racism within the law enforcement services.

27. The authorities were implementing a strategy to combat extremism and conducted thorough investigations into racist crimes. That strategy appeared to have borne fruit, as the most recent statistics indicated a drop in the number of such crimes.

28. Any person who claimed to have been tortured by a police officer had the right to complain to the officer's direct superior, or to any other higher-ranking police official, including the Police President. Criminal charges could also be brought directly. Complaints

relating to police conduct were investigated by the supervisory bodies of the Czech Police Force, while the Police Inspectorate investigated complaints about police conduct. A complaint could also be lodged by a third party. In addition to the penalties provided for under the Criminal Code, police officers found guilty of such offences were subject to disciplinary sanctions, which went as far as dismissal from the police force.

29. **Mr. Schnirch** (Czech Republic) said that, pursuant to the new legislation on the health service, which had come into force on 1 April 2012, reform of that sector was under way. The Ministry of Health was currently implementing a programme designed to provide training to health-care staff on health issues relating to torture and ill-treatment. Persons who voluntarily entered a mental health institution to receive treatment could, if their condition permitted, decide to end their treatment, in which case they would need to sign a discharge form before leaving the facility. In cases of severe mental illness, a decision could be taken to admit the patient to a mental health institution, but only on a court order. Funding was provided to NGOs working to better integrate persons with mental disorders into the community. Finally, the new legislation governing the health services allowed the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to access medical records in institutions for persons deprived of their liberty, but only when and if such action was required for the discharge of its mandate.

30. **Ms. Rybová** (Czech Republic) said that the use of caged beds and net beds in care facilities had been banned since 2007, and that failure to observe the ban could result in the establishment having its licence revoked. The legislation on social services strictly regulated the use of restraint methods. It provided that a patient could only be immobilized or placed in a safe room if they posed an immediate danger to their own health or life, or that of others, and that such measures could only be taken after more gentle methods had been attempted, and only for the amount of time necessary to avert danger. Only a doctor could administer medication in those circumstances. Care facilities were also obliged to report every six months to the regional authorities on instances in which restraint methods had been used. That information was not recorded in a central database.

31. Since 2008, inspections of establishments providing institutional care had been conducted under the provisions of the Social Services Act. Until 2011, inspections of services falling within the remit of the regional authorities had been performed by the Ministry of Social Services, while services provided by NGOs and municipalities had been inspected by the regional authorities. Since 2012, inspections had been the responsibility of the Labour Office and, in 2011, the Ministry of Social Affairs had introduced an innovative programme designed principally to improve the inspection system. In 2010, some 319 inspections had been carried out.

32. In September 2010, the Czech Republic had ratified the Convention on the Rights of Persons with Disabilities, which had been incorporated into national legislation, in accordance with the Constitution. It provided for the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities in December 2012. It was also worth mentioning that, in 2006, legislation on social services had been adopted, paving the way for the reform of care services undertaken. The legislation had significantly improved the ability of users to influence the scope and nature of the services provided to them. Particular emphasis had been placed on strengthening home care services, in order to allow persons with disabilities to live in familiar surroundings and ensure that they retained a certain degree of independence. In 2008, a major programme to reform home care had been launched, with the participation of home and residential care services that now provide care to 3,800 users, a considerable number of whom had previously received care in an institutional setting. The results of the programme would be assessed in December 2014, and serve as a basis for improving the way in which care was provided throughout the country.

33. **Mr. Machačka** (Czech Republic) said that the Czech Republic was aware that the prohibition of torture under the Convention was absolute, that it was a peremptory norm of international law, and that it was non-derogable, even under other international instruments. The Czech Republic firmly intended to meet its obligations under the Convention, including the obligation to protect all persons at risk of torture. Concerning the rendition flights which had allegedly passed through Czech territory, the Czech authorities had no knowledge of any situation whatsoever that would have required them to take action in order to prevent an act of torture.

34. The information provided in the State party's replies to the list of issues to the effect that there had been no cases of abuse or torture by the police, did indeed seem to be contradicted by the number of complaints of ill-treatment filed against police officers. The reason behind that discrepancy was that, in the Czech Republic, the term "ill-treatment" applied not only to cruel, inhuman or degrading treatment, but to any breach of legislation relating to the treatment of detainees. The complaints of ill-treatment did not involve acts that constituted torture.

35. The Office of the Ombudsman operated as the national preventive mechanism under the Optional Protocol. The Ombudsman carried out regular visits to detention centres, compiled reports on those visits and made recommendations to the relevant authorities, which were obliged to take them into consideration and to implement them. If the authorities failed to cooperate with the Ombudsman or follow his recommendations, the Ombudsman could turn to the supervisory authorities or the Government, or even alert the public to the situation. The Ombudsman had taken such steps on four occasions in the past, including in 2008, when the public had been informed about the lack of cooperation on the part of the Ministry of Education, Youth and Sports concerning the situation in the psychiatric hospital in Sternbeck. The Office of the Ombudsman kept the public abreast of its activities and submitted an annual report to parliament, in which it provided an account of its various visits. It also published thematic visit reports, by type of institution or place of detention visited (for example, detention centres, custody cells, psychiatric hospitals and social services institutions). All the reports were available on the Ombudsman's website.

36. Acts of torture had always been classified as a criminal offence under the provisions of the Czech Criminal Code. More severe penalties were imposed in cases where acts of torture were motivated by racial or other forms of discrimination and were considered as an aggravating circumstance. Anti-discrimination legislation also provided for redress for victims.

37. **Ms. Baršová** (Czech Republic) said that the resolution issued by the Czech Government Council for Human Rights proposing that the Government should implement a mechanism to compensate women who had been sterilized without their full consent had been disseminated to all the ministries concerned, so that they could comment on the text. However, it must be acknowledged that it was still very difficult for victims of forced sterilization to obtain redress, despite developments in relevant jurisprudence.

38. The authorities had no information regarding any medical documents alleged to have been illegally destroyed.

39. She was aware of three cases where compensation had been awarded to women sterilized without their consent. The first case had been brought before the European Court of Human Rights, and the complainant had received €10,000. In another case, €20,000 had been paid out by the hospital held liable in an out-of-court settlement. A third case was currently before the Czech courts. In general, the possibility of seeking redress in the form of financial compensation depended on when the incident had occurred, as Czech legislation had a statute of limitations. The Government was currently considering the possibility of allowing more victims to lodge such complaints.

40. There were currently no plans to amend the legislation in force on the prohibition of corporal punishment, and such punishment was completely prohibited in all institutions. The Government had conducted awareness-raising campaigns and mobilized civil society on the issue. In January 2012, it had also adopted a new strategy to protect children's rights, in line with the recommendations of the Committee on the Rights of the Child. In April 2012, an action plan had been drawn up to implement that strategy. It included specific measures, in particular the dissemination of good practices relating to the exercise of parental authority.

41. **Mr. Grossman** (Country Rapporteur) recalled that if the Committee insisted on a uniform definition of torture, it was because it was essential for the offence to have the same meaning throughout the world, so that the same legal standard could be applied. Incorporating the definition contained in article 1 of the Convention into the State party's domestic legislation was the only way to avoid multiple interpretations of that offence. He asked what progress had been made with regard to compensation for women who had undergone forced sterilization. Furthermore, he asked which States featured on the list of countries from which the Czech Republic had received diplomatic assurances, and requested additional information on the nature of those guarantees. He noted that the problem with such guarantees was that they provided a convenient excuse for States to return people to countries where they risked being subjected to torture. Recalling that three murders and several other incidents involving the Roma community had been reported in the Czech Republic, he asked whether the State party was aware that such cases required special attention owing to possible racial motives, and asked what action it planned to take in that regard.

42. **Mr. Wang Xuexian** (Country Rapporteur) noted that the delegation had spoken about financial assistance, while the Committee's question had related to redress and compensation for victims. He deplored the double punishment involved in requiring prisoners to pay part of the cost of their imprisonment, and recalled that the Committee had recommended that the practice be abolished, and asked what obstacles remained to achieving that goal. Moreover, he asked whether legal proceedings had been initiated following complaints of ill-treatment by the law enforcement services and for information on their outcomes. He recalled that one of the Committee's main concerns was the protection of minorities, particularly in European countries such as the Czech Republic where Roma communities lived, and enquired whether violence against members of those minorities had been investigated in a thorough, efficient and expedient manner. Noting the cases of suicide recorded year after year within the Czech prison system, he asked about the causes of the problem and the steps taken to solve it. Finally, he expressed concern that, according to certain reports, the Czech Republic continued to detain asylum seekers, including children, and requested clarification on that matter.

43. **Ms. Sveaass** expressed concern about the restraint measures used in psychiatric institutions. Even when implemented on the advice of a doctor, they were often applied without an independent assessment being carried out, which failed to provide adequate safeguards for patients. She considered that it would be helpful for patients to be able to express their views regarding their treatment, appeal, lodge a complaint or request advice. In that connection, she also wished to know whether any surveys on the treatment of patients had been conducted, for example, following the suicide of a woman in a cage bed in a psychiatric institution in 2012.

44. **Mr. Bruni**, referring to article 10 of the Convention, asked what kind of training was provided to medical staff, and whether the Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) formed an integral part of that training. He also enquired about the results of investigations into the various cases of suicide in prison. Furthermore, he

requested details on detention arrangements for foreigners awaiting deportation who, in certain cases, were likely to be detained for 6 months, and asked whether they were held in permanent or temporary detention centres. He noted that although approximately 7,500 complaints had been filed against prison service staff between 2006 and 2010, according to official data, no agents had been prosecuted or convicted for acts of torture or ill-treatment. If that was indeed the case, what were those complaints about?

45. **Mr. Mariño Menéndez** asked whether it was possible for a Czech citizen to be deprived of his or her nationality and to become stateless. He also wished to know whether, in the Czech Republic, it was possible for persons to be held incommunicado. Concerning victims of human trafficking who cooperated in efforts to dismantle the trafficking networks that had handled them, he noted that such an approach was only taken in cases involving human trafficking for the purpose of labour exploitation, and asked whether the State party also intended to apply the same approach to trafficking for the purposes of sexual exploitation.

46. **Ms. Gaer**, referring to paragraph 142 of the State party's replies (CAT/C/CZE/Q/4-5/Add.1) said that, in response to a question from the Committee on the subject of offences committed by extremists and the criteria used to establish the nature of those offences, the delegation had indicated that various causes existed. She invited the delegation to provide further details. She also asked what the State party understood by the term "cleared up", mentioned in the table in paragraph 144 of its replies. Noting the fact that no police or prison staff had been prosecuted for acts of torture between 2006 and 2010, she asked whether the provisions of the Criminal Code relating to that offence were applied, and to what extent, and what penalties were prescribed.

47. **Mr. Tugushi** expressed the hope that the current debate in the Czech Republic on the issue of the surgical castration of sex offenders would lead to the abolition of that practice, as many human rights entities had repeatedly recommended to the State party. Moreover, he noted that the delegation had not responded to his question regarding the staff-to-inmates ratio in penitentiary facilities. The problem of violence among prisoners had been raised on a number of occasions, and might well be linked to prison staff shortages. He wished to know whether, three years on, staffing levels had increased, fallen or remained stable.

48. **The Chairperson** said that the absence of complaints concerning prison conditions suggested there was a problem. In the Committee's collective experience, complaints were lodged in all countries examined, from Switzerland to Chile.

49. **Ms. Baršová** (Czech Republic) said that her country was aware of the seriousness of the challenges facing the Roma community, especially in the field of education. If that issue had not been addressed in detail in the State party's report, it was because it had already been dealt with by many other bodies.

50. The Anti-Discrimination Act had not been translated into the Romany language, but other legislation had been. The Romany language was understood by approximately one third of the Roma population, which used it more in oral than in written form.

51. The Czech Republic attached great importance to the situation of Roma people and to combating extremist and racist crime. In 2012, an in-depth report on extremism had been prepared, which included a chapter on crimes against persons who identified themselves as Roma.

52. Czech citizens enjoyed a high level of protection against deprivation of citizenship, which was prohibited under the Constitution. As part of the debate on the citizenship bill, which was currently being examined, the possibility of Czech citizens losing their citizenship when they acquired the nationality of another State had been considered, but the

solution that was currently applied, namely the authorization of dual nationality, appeared to have prevailed.

53. **Mr. Hudeček** (Czech Republic) said that each of the five cases listed under article 149 of the Criminal Code was a separate aggravating circumstance. Therefore, the perpetrators of acts of torture committed while acting in an official capacity would be subject to paragraph 2 and not the other paragraphs.

54. He took note of the Chairperson's comment concerning the absence of a definition of torture in the Czech Criminal Code. He would bring it to the attention of the Czech authorities in the hope that they would reflect on the need to incorporate a single definition of torture in the general provisions of the Criminal Code.

55. The Czech delegation was not in a position to give further details of why certain prisoners were obliged to cover the costs of their incarceration, nor could it promise a change. It would refer the question to the Ministry of Justice and the Prison Service for their expert opinion. A decision had not yet been taken in the context of the ongoing debate on the issue in the Czech Republic.

56. Suicides in prison were a serious problem that prison staff sought to prevent. According to additional information he had obtained, all suicides were investigated, and none of them had been "assisted" by members of prison staff or fellow prisoners. He would forward the findings of studies that were being conducted on the matter to the Committee.

57. The compilation of statistical data on mutual legal assistance and extradition had begun only in September 2011, which meant that there were no data for the period before then. The Ministry of Justice had indicated that, in order to prepare statistics for the period under examination, it would have to individually process approximately 35,000 requests for mutual judicial assistance. He would recommend to the relevant services that they incorporate a section on diplomatic assurances in their data collection.

58. Diplomatic assurances were just one of the many elements presented to the courts ruling on the admissibility of an extradition request. If the request was rejected, the Ministry of Justice could ask the Supreme Court to review the decision but could not proceed with the extradition. However, the Ministry could decide not to give effect to an extradition request approved by the courts.

59. Each of the regional and district offices of the public prosecutor had a magistrate specialized in extremist and racist crimes to lead investigations into such crimes. There was a range of penalties applicable to perpetrators of acts amounting to torture, including serious bodily harm and abuse of power.

60. He did not know the ratio of prison staff to prisoners, but said that 345 new prison guards and 196 civilian employees had been recruited in 2011. The prison population had also increased. The Czech Government was aware of the problem and would soon take a decision on measures to be taken in the area of prison administration, particularly in terms of finances and human resources.

61. **Ms. Holušová** (Czech Republic) said that the police and Ministry of the Interior were aware that Roma people, particularly children, were often the victims of racist attacks. In 2011 and 2012, two specialist police units had been set up to supervise the regions of northern Bohemia and northern Moravia, where there was a significant Roma population with a high unemployment rate, among other problems.

62. She was not in a position to reply to the questions on the complaints made against the police, but said that each complaint was dealt with on the basis of the gravity of the circumstances and was investigated. When a police officer was accused of ill-treatment or acts of violence, an investigation was carried out that could result in sanctions. If it was a

minor offence, the investigation was carried out in accordance with administrative, namely disciplinary, procedures.

63. In 2010, the inspection services had received 67 complaints of ill-treatment of detainees by police officers, 25 of which had been classified as unfounded and 22 forwarded to the monitoring body. Charges had been brought in 9 cases, 10 complaints had resulted in disciplinary proceedings, and criminal proceedings against a police officer had been proposed in only a single case. In 2012, the new General Inspectorate of the Security Forces had conducted just one investigation into a racist or extremist crime allegedly committed by a police officer. In response to a question by the Chairperson, she said that the police was attached to the Ministry of the Interior and the Prison Service to the Ministry of Justice.

64. **Ms. Baršová** (Czech Republic), responding to the questions on statelessness, said that the bill on citizenship would be submitted to the Government in June 2012. There was no definition of citizenship, as the case law of the Constitutional Court had established that citizenship was a legal relationship between the natural person and the State. Under the bill, Czech citizens could not be stripped of their citizenship.

65. Under the current law, Czech citizens could have their citizenship removed if they made an application to that effect and were already citizens of another country.

66. Stateless persons were considered foreigners to whom a residence permit for the territory of the Czech Republic was issued, like asylum seekers or persons who had no links to any country.

67. The regulations on residence permits did not make any distinction between victims of trafficking for the purpose of labour exploitation and for the purpose of sexual exploitation.

68. The readmission mechanism facilitated and accelerated the transfer of persons who refused to take advantage of a voluntary return to their country. Bilateral meetings had been held with a number of countries, including Armenia, Egypt, Ukraine, the former Yugoslav Republic of Macedonia, Turkey, Morocco and China, with a view to concluding readmission agreements.

69. **Mr. Hudeček** (Czech Republic) said that the State party did not have a dynamic system for the collection of statistics on crime. Therefore, the police registered criminal cases in its statistics and stopped collecting data on them once they had been forwarded to the State Prosecutor to determine the charges. The Ministry of Justice, meanwhile, only collected data once a final judgement had been delivered, which could take up to five years. There was therefore a lag between the statistics of the police and those of the Ministry of Justice.

70. Prisoners' complaints were classified in 26 very broad categories, including prison accommodation and food and the conduct of prison staff. While the number of complaints was very high, they covered a large number of issues. In 2011, some 1,497 prisoners' complaints had been registered, of which 1,412 had been considered unfounded and 85 as containing well-founded elements. In the same year, there had been 461 complaints relating to medical care, of which 427 had been considered inadmissible and 16 admissible. The statistics did not show what measures had been taken in response to the complaints.

71. **Mr. Schnirch** (Czech Republic) said that forced placement in a psychiatric institution must be approved not only by a doctor but also by a court. As the law on placements had been adopted only a month and a half earlier, the Czech Republic did not yet have any statistics on the results of its implementation. The new law also regulated the use of net beds, which were one of the tools used to address patients' problems.

72. He did not have any specific data on the training provided, particularly to medical staff, to enable them to detect acts of torture. He would look for statistics on the matter.

73. In order to guarantee the safety of medical staff, the medical examination of prisoners was conducted in the presence of a prison guard, who was to be out of earshot.

74. In January 2012, the Czech Government had adopted a resolution requesting that the Ministry of Health should draft new regulations on the treatment of sexual offenders in 2012, which would be evaluated by 2014.

75. **Ms. Rybová** (Czech Republic) said that the gap between social services and health services had decreased. Before 2012, the use of force had been addressed only in a methodological guide, whereas it was now governed by a law that prescribed severe penalties for violations.

76. Prior to the adoption of the new law, provisions on surgical castration had not been very detailed. Now, the procedure was conducted in very specific circumstances and was intended for persons who were not in detention and suffered from a pathological condition.

77. **Ms. Baršová** (Czech Republic) took note that the information given in the replies to the list of issues on the training provided to medical staff, among others, on the subject of torture and how to detect it had not been phrased very judiciously. The State party intended to provide the information requested on all of the services in which it would be appropriate to provide such training, including those that dealt with prisons. In particular, it would be necessary to strengthen training for medical staff that was in contact with non-nationals arriving in the Czech Republic so that they could identify victims of torture. The State party would pay greater attention to that issue in its next report.

78. She acknowledged that the statistics presented in the report were difficult to understand, as they had come from various sources and sometimes looked at the same issue from different angles. The State party would improve the presentation of statistics in its next report and would be able to provide the Committee with more accurate statistics before then.

79. She commended the work of the European Roma Rights Centre and regretted that the delegation had not had time to comment on the information contained in its report on the Czech Republic. The State party would submit its comments to the Committee in writing.

80. As well as discussing issues that had already been debated in the Czech Republic, the dialogue with the Committee had highlighted a number of new problems for the country, which the delegation would bring to the attention of the relevant Czech authorities. The delegation would prepare a report for the Government on the Committee's examination of the report of the Czech Republic.

81. **The Chairperson** informed the delegation that the additional information should be submitted by Thursday, 17 May at 6 p.m. at the latest. He thanked the delegation for the information it had provided and for its attitude towards the Committee.

*The meeting rose at 6 p.m.*