



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

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

**Concluding observations on the sixth periodic report of
Czechia**

Addendum

**Information received from Czechia on follow-up to the
concluding observations***

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* The present document is being issued without formal editing.

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Introduction remarks

1. Based on the examination of the combined Fourth and Fifth periodic Report of the Czech Republic on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/CZE/6) (hereinafter, the “Report” and the “Convention”, respectively) before the Committee Against Torture (hereinafter the “Committee”) on 2nd and 3rd May 2018, the Committee adopted its Concluding Observations (CAT/C/CZE/CO/6). In point 40 of the Concluding Observations, the Committee invited the Czech Republic to provide, within 1-year, additional information on follow-up to the Committee’s recommendations on:

- Strip searches in detention centres;
- Hate crimes against minority groups, and
- The treatment of persons in psychiatric institutions, as specified in observations No. 15, 27 and 33.

2. The text below contains the replies of the Czech Republic to those observations. Every reply is preceded by quotation of the respective observation of the Committee.

Recommendation No. 15

The State party should put an end to the practice of routinely and indiscriminately strip-searching detained persons and ensure that body searches, if necessary, are carried out in a manner respectful of the dignity of detainees and by officers of the same sex as the detainee in question. The State party should develop and implement written guidelines that set out the circumstances of, and procedures for, conducting a body search, provide police officers and prison staff with relevant training, and regularly monitor compliance with the guidelines.

3. Thorough body searches in prisons as well as in police facilities always take only when allowed by law. Also, the law explicitly requires that the search is carried out by a person of the same sex and prohibits that any physical contact is used on the naked body of the person searched. A thorough body search is carried out, unless its aim can be achieved in another manner (e.g. by using appropriate technical means or by conducting a preventive personal search). It is carried out in a manner so as to preserve human dignity of the person and to ensure that the interference with the person’s rights and freedoms does not go beyond the extent necessary to achieve the aim pursued. More detailed rules on search modalities are defined in the internal regulations of the Prison Service and of the Police of the Czech Republic and are the subject-matter of training provided to the members of both corps. Compliance with the internal regulations is monitored through both internal and external inspections.

4. A thorough strip search is carried out in a sufficiently heated room, which is appropriately equipped to put aside the removed clothes. The door as well as the windows in the room must be adjusted so that the person searched cannot be seen from outside of the room. In cases, where thorough body searches are of a collective nature, the imprisoned persons are always separated from each other by appropriate screens or cabins in order to ensure the necessary level of privacy and dignity.

5. During searches in prisons, the person concerned is invited to undress to the underwear so that their clothes can be searched, and only then the person is asked to fully undress for the minimal necessary period of time. This year, the course of strip searches in police cells will be adjusted so that the person is invited to first get the top part of their body (down to the waist) undressed and, once dressed again, to get undressed from waist down. In addition, the Police of the Czech Republic will prepare new written advice on the rights of persons restricted in personal liberty, which will be provided to them immediately after their personal liberty has been restricted (rather than only after having entered a police cell) and which will include detailed advice on the rights of persons detained (right to a lawyer, right to notify a close relative, right to medical treatment, etc.). The officers of the Police of the Czech Republic as well as the Prison Service staff are continuously trained on the body search rules.

Recommendation No. 27

The Committee urges the State party to publicly condemn threats and attacks against minority groups, including the Roma and Muslim communities, and to refrain from endorsing, through action or omission, such attacks by ensuring:

(a) Prompt, thorough and effective investigations of all threats and attacks targeting these groups, including any alleged discriminatory motives that may provoke these actions, and guaranteeing that those responsible are tried and punished in accordance with the gravity of their acts;

(b) Effective training of law enforcement officials and the judiciary on hate-motivated crimes and the systematic monitoring of such crimes;

(c) Awareness-raising measures to counter prejudice and stereotypes, and policies to combat and prevent racially motivated crimes and discrimination.

6. 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 persons responsible for these crimes are tried and punished in accordance with the gravity of their acts. The sanctions for racially and ethnically motivated crimes are governed by the Criminal Code. The law on certain offences includes an offence against coexistence of citizens, which is committed by a person who restricts or hinders a member of a national minority in exercising the minority rights, or who causes harm to another person due to the latter's belonging to a national minority or due to their ethnic origin, race, colour or for other reasons.

7. At all instances of the public prosecutor office, there are public prosecutors specialized in racial, national or other hate-based crimes. The national liaison officer for fight against terrorism, extremism and hate crimes, supported by his expert team, acts as a coordinator of cooperation in relation to hate-related crimes at both national and international level. The national liaison officer coordinates interdepartmental and international cooperation, analyses case law and expert articles, and participates in educational activities and intradepartmental cooperation.

8. In addition to criminal sanctions imposed on a case-by-case basis in accordance with the relevant regulations, a Counter extremism and hate policy is prepared every year and evaluated in the following year as part of reviewing the implementation of the fight against terrorism, together with the Report on extremism and hate crime in the Czech Republic for the respective year. In the long term, the policy is focused on 5 strategic objectives: providing information on hate crimes and counter dissemination of hatred; awareness and education against extremism; prevention of social conflicts and hate; enhancing professional skills of police and justice authorities, and assistance for crime victims. Fight against racial-based crimes, among other, is also targeted by the Crime Prevention Strategy for 2016–2020, which is a continuation of the antecedent Strategy and its evaluation and includes a set of Good Practice Examples, which may be disseminated and applied. The relevant department of the Ministry of the Interior as well as the Security Information Service issue quarterly reports on extremism.

9. A specialized task force composed of experts from the Ministry of the Interior, the Ministry of Justice, the Supreme Prosecutor General's Office, the Police of the Czech Republic, the Prison Service, the Institute of Criminology and Social Prevention, as well as the Criminal Record Office was set up in order to prepare the systemic improvements in the collection of hate crime and motivated violence data. The task force proposed to establish a new information system to record comprehensive criminal proceedings data. The new system establishes a need for more detailed data forms so that they are more consistent with the current requirements. It should be now gradually implemented by all bodies and entities. At the same time, the team of police specialists on IT crimes who deal, among other, with hate crimes on the Internet, and in particular on social networks, was reinforced.

10. As regards fighting against racism, xenophobia and extremism, attention is also paid to education and training in order to ensure better and more efficient sanctions of racial

crimes. Methodological materials were brought up to date and training activities for the officers of the Police of the Czech Republic as well as public prosecutors have been enhanced. Representatives of the non-governmental sector have also been involved in the training.¹ The training modules were accompanied by the development of methodological materials for the police, emphasizing the work with hate crime victims. In 2016, training of teachers in primary prevention of risk behaviour at schools was supported, focusing on preventing hatred. Educational programmes on hatred are also offered to teachers and instructors by the National Institute for Further Education.

11. In their regular outputs, both the Ministry of the Interior and the Police of the Czech Republic document cases of hate speech. The Centre against Terrorism and Hybrid Threats operates in the Czech Republic and is utilized by the Ministry of the Interior to make proactive statements on current phenomena including, among other, hate crimes. An example of awareness raising is the support for periodical press and radio and television broadcasting issued and operated in the language of national minorities and disseminating information about those minorities granted under the programme on Support of information dissemination and reception in the languages of national minorities by the Ministry of Culture. Projects dealing with awareness-raising in relation to tolerance are also supported under the grant programme for Promotion of cinematography and media of the Ministry of Culture. These include, among others, the ONE WORLD International Human Rights Documentary Film Festival, FAMUfest or the Jihlava International Documentary Film Festival.

12. The “Campaign against racism and hate violence” project was launched in 2014 and is mainly aimed at improving awareness of hate violence, supporting tolerance towards minorities in the Czech society, and enhancing social coherence. The campaign targeted, in particular, young people, teachers, representatives of municipalities and police officers. It had a budget of close to CZK 40 million. The campaign was officially closed in April 2017, but some of its activities still go on and as follow-up, a new campaign called “Place for everybody” has now been launched.

13. One of the campaign activities on the Internet was the launch of www.hatefree.cz website where, to date, over 600 articles, interviews and positive examples of co-habitation of various minorities and social groups, as well as positive and inspiring life stories of their members or examples of good practice in social inclusion in the Czech Republic and abroad have been published. In addition, the campaign rebutted more than 100 hoaxes designed to disseminate hate against various groups of persons, by rectifying the information on the website. The website also provides advice for victims of violence, their close relatives and witnesses on how to act when they come across hate violence.

14. There are more than 280 locations across the Czech Republic (café’s, theatres, galleries, sports places, embassies, public institutions, libraries, businesses, cinemas, schools, churches, etc.) which currently hold the HateFree Zone status, declaring that they are open to all people without exception. The vision behind the project has been endorsed by over 100 festivals. Similarly, more than 100 exhibitions and artistic performances under HateFree Art took place in arts centres as well as in public spaces. The campaign team also organized public events, such as the popular HateFree Stage stand-up comedy evenings, Open common breakfasts for people from various groups, as well as other lectures, debates, workshops and conferences. Furthermore, the project includes promotion, sharing and development of Good Practices in Social Inclusion. A network of 31 coordinators has been established and inspiration from examples of good practice can be drawn at www.dobrepraxe.cz.

15. As part of the project, training activities were organized for pupils and teachers, police forces and other social inclusion actors to raise awareness of the risks of intolerance and hate violence and point out the possibilities in dealing with them. The activities were attended by 770 teachers, police officers and representatives of cities and municipalities in the Ústí nad Labem Region and the Moravian-Silesian Region. The issues of social risks

¹ In 2016, for instance, close to 300 police officers were trained by tutors from In Justitia, which provides assistance to hate crime victims.

posed by extremism and racism were addressed, through educational activities, by 10 participating pilot schools through 20 school mediators and 81 peer mediators (i.e. pupils themselves). The aim of introduction mediation in schools was to prepare path for resolution of conflicts arising in the school environment so that the actors of those disputes are able to jointly find a solution and co-exist. The pilot project gave rise to a methodology for implementing school and peer mediation for additional schools. Selected schools sent their representatives to participate in the mediation course and peer mediator course. Following the training, they were assisted by school supervisors and professional mediators for the period of three months. Practical training of school directors and teaching staff in the participating schools took place in parallel with the courses. A special website www.mediaceveskole.cz was also launched.

Recommendation No. 33

The State party should:

- (a) Strengthen its efforts to implement the ongoing Reform of Psychiatric Care, including by increasing the use of less restrictive alternatives to the forcible confinement of persons with mental and psychosocial disabilities;**
- (b) Ensure that national legislation provides guarantees and effective legal safeguards for all persons with mental and psychosocial disabilities concerning involuntary psychiatric and medical treatment in psychiatric institutions, including with regard to chemical and physical restraints;**
- (c) Prohibit, in practice, the use of cage beds in all psychiatric institutions and social institutions in which children with mental disabilities are held; amend the Health-Care Services Act (No. 372/2011) to include the prohibition of net beds in all psychiatric facilities; and ensure that the Central Registry recording the use of restraints includes sufficiently comprehensive information for the purpose of monitoring;**
- (d) Take the necessary measures to enable the Public Defender of Rights, in its capacity as the national preventive mechanism, to continue its regular and unannounced visits to psychiatric institutions without any restriction, and to ensure that recommendations made by the Public Defender of Rights are effectively implemented;**
- (e) Investigate all complaints of ill-treatment of persons with mental and psychosocial disabilities in psychiatric institutions, bring those responsible to justice and provide redress to victims.**

16. The Psychiatric Care Reform Strategy, which is currently being implemented in the Czech Republic, is fully in consistence with the above recommendations. The reform is expected to take 3 years; at present, data are being collected on a systematic basis, in particular through evaluation visits focused on quality and respect of human rights in psychiatric hospitals based on the WHO Quality Rights Toolkit methodology. The findings will in turn feed into a roadmap for deinstitutionalization of care. 1,300 after-care beds should be abolished by 2021. The so-called quality managers now operate in fourteen psychiatric hospitals and in the fourteen regions of the Czech Republic as a part of the project on deinstitutionalization of mental health care services; their task is to help the psychiatric hospitals in eliminating any shortcomings in the field of human rights by ensuring systematic education and comprehensive methodological support. One of the key aims of the reform is to develop and systematically implement recommended practice with due attention to quality and human rights as regards, for instance, the use restraining measures or prevention of risk behaviour. The managers may also deal with potential circumstances identified directly in the facilities. In addition, the hospital staff members should be trained in the correct treatment of patients over a period of 3 to 5 years.

17. The use of restrains is governed by the Act on Health Care Services and on the terms and conditions for their provision. That Act provides for a list of admissible restrains, which may only be used to avert immediate threat to life, health or safety of the patient or other persons, and solely for the period of the duration of these reasons following an unsuccessful use of gentler steps. At the same time, the least severe restraint must be chosen at all times. The health care service provider is obliged to ensure that the patients or their statutory representative or guardian, as the case may be, are informed in a comprehensible manner about the use of restrains and the reasons for their use. Throughout the use of the restrains, the patient must also be supervised by health care staff and every such use including its reasons must be recorded in the medical file. In addition, the health care service provider is obliged to maintain central records on the use of restrains, including the aggregate data on the number of cases when restrains were used, detailed per calendar year and for each type of restrains separately.

18. As a continuation to the above Act, a methodological guide for residential care providers was issued by the Ministry of Health in 2018, which further specifies the details in regard to restraining the patients' free movement and using restrains with patients. Among other, this guide provides that it is inadmissible to use restrains as a preventive measure or a sanction, and that the type of restraint chosen to confine the patient and the scope of confinement must always be appropriate to the imminent harm. In addition, it provides for regular review of justification for the use of the restrains by a doctor – every 3 hours in case of confinement by protection belts, strips, strait jacket or vest and every 12 hours in case of placement in a room designed for safe movement or in a protective bed with netting. During the period of restraint, attention must be paid to drinking, food, bowel movement, hygiene, heat and light comfort of the patient as well as to preventing any complications arising from the restraint. If possible, in view of the patient's health condition, personal hygiene and other personal needs should be allowed outside of the restrains. The records on the use of restrains in the medical file should include, above and beyond the prescribed requisites, a list of gentler means used before the restrains, including reasons for why these means were not sufficient, justification of the combination of restrains and specification of the timeline of their use, frequency of checks as regards the blood pressure, pulse, state of consciousness, behaviour and complications arising from the restrains, as well as a record that the patient or a person designated by the person was informed about the need to apply those restrains.

19. The issue of restrains in providing social services is addressed in the Social Services Act in a similar manner. This act prohibits the use of the so-called cage or net beds for all types of social services. It provides that, in providing social services, measures restricting the movement of the persons may not be used, except for cases of a direct threat to their health and life or to the health and life of other persons, and solely for the necessary period of time, which is sufficient to avert the direct threat. Measures restricting the movement of a person may thus only be used if other measures were previously used and failed. Consequently, the social service provider is obliged to first opt for verbal or other means to calm down the situation depending on the specific circumstances, e.g. by diverting attention, distracting, active listening. The persons must be informed in an appropriate manner that a measure restricting their movement can be used against them.

20. The social service provider is obliged to always opt for the mildest measure possible when applying movement restricting measures. It is possible to first intervene by physical grips, then by placing the person in a room equipped for safe stay or, where appropriate, by giving medicaments upon approval of the doctor called to the site. The social service provider is obliged to notify the client's statutory representative or guardian, person in charge of care of the minor or person designated by the client of the use of the restrains without undue delay. The social service provider is obliged to keep records of the use of measures restraining the movement of persons in the scope as required in the Social Services Act. At the same time, the provider is obliged to report, on a regular basis and once a year, the number of persons in relation to whom movement restraining measures were applied to the Regional Authority using the template required by the Ministry and in consistency with the electronic register rules for social service providers. Unlawful use of movement restraining measures can be sanctioned with a fine of up to CZK 250,000 imposed on the service provider.

21. Research focusing on analysing the current situation and the legislative framework on restraints is ongoing. A summary report should be available at the end of April 2019. On the basis thereof and in cooperation with Czech experts and WHO representatives, the different recommended procedures will be prepared focusing, for instance, on alternatives to violent movement restraint or on the complaint procedure. The outputs developed in this context should subsequently be reflected in the Czech legislation. A recommendation to abolish the use of protective beds with netting has been prepared so far as a part of the psychiatric care reform. However, as of now, the number of protective beds with netting in psychiatric hospitals is gradually decreasing compared to the past.

22. An analysis on the use of restraints is currently ongoing and a questionnaire survey targeting the patients and their family members is underway. Both these activities are aimed at establishing the current situation and identifying the level of implementation of recommendations issued by international organizations and by the Public Defender of Rights. Seventeen evaluation visits to psychiatric hospitals took place between May 2018 and January 2019 using the WHO methodology. Based on the findings, evaluation reports on the different facilities were drafted and tasks were assigned in order to remedy the identified shortcomings. The implementation of these tasks will be checked at a later stage.

23. The filing of complaints for ill treatment against the acts of a provider of health care services or against activities related to health care services is covered by the Act on Health-Care Services. A complaint is to be filed to the provider concerned by the complaint. A complaint may not be held against, or used to harm, the person who filed it or the patient concerned by the complaint. If the person who filed the complaint does not agree with how the complaint was handled, they may turn to the competent administrative authority which granted the health care service licence to that provider, i.e. to the competent Regional Authority. In case of errors of ethical nature, it is also possible to refer to the Czech Medical Chamber. A complaint addressed to the health insurance company is another option. All these institutions are independent of the health care service provider.

24. Inspections of health care service providers in relation to the provision of health care services are carried out by the inspection bodies specified in the Health-Care Services Act. In the past years, the Ministry of Health conducted several inspections in psychiatric facilities, focusing particularly on the use of restraints. Similar inspections are also carried out by regional authorities. Inspections of health care service providers in relation to sanitation and protection of public health are carried out by public health protection authorities.

25. A patient in compulsory protective treatment ordered by a court can refer their complaints directly to the Public Defender of Rights. The Defender will examine the conditions of how the protective treatment is implemented. In case of other patients who are not institutionalized based on a decision or order of a public authority, the Defender is, by law, granted the power to examine whether and how the patient's complaint concerning the provided health care services (the quality of care, staff approach, treatment, etc.) was handled by the Regional Authority. However, the Defender may not directly examine the health care provided to a specific patient.

26. Conditions in psychiatric hospitals and other health care facilities where persons restrained in personal liberty by public authority or as a result of their dependence on the provided care are or may be institutionalized are addressed by the Defender in systematic visits conducted as part of the National Preventive Mechanism according to the Optional Protocol. The Defender is authorized to enter the facilities, interview patients as well as staff, and otherwise obtain information about the situation in the facilities. The facilities are obliged to cooperate with the Defender. Based on the findings, the Defender will draw up a report, which may include suggestions or recommendations to improve the situation. The facility concerned will then provide its reply to the report and should implement the recommendations. If the facility fails to do so, the Defender may notify the superior authority, the establishing authority, the government or the general public and invite to remedy the situation. The state authorities encourage facilities that fall within their competence to implement the recommendations of the Defender.