

# Criminal Detention in the EU Conditions and Monitoring

Update of FRA's Criminal Detention Database  
(FRANET)

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## Part I: National standards

### 1. Cells

The standards described in this chapter are not affected by the currently valid measures related to the COVID19-pandemic. Internal measures may have been adopted by the relevant authorities (police, Prison Service), but these are not publicly available.

a) **Cell space:** What is the national standard for cell space available to detainees in m<sup>2</sup>? Are the calculation requirements spelled out by the CJEU in its *Dorobantu* ruling observed?

The national standards for cell space are set out in compliance with the *Dorobantu* ruling and foresee the following:

#### **Post-trial detention:**

Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (řád výkonu trestu odnětí svobody, hereinafter 'Rules of Procedure of the Exercise of Imprisonment')<sup>1</sup>

In a lodging room for more than one prisoner, there must be a minimum space of 4 m<sup>2</sup> per person. The cell or bedroom for one prisoner must have a minimum space of 6 m<sup>2</sup>. The minimum standard space can be decreased to 3 m<sup>2</sup> per person, but only if the total number of prisoners serving a prison sentence of the same basic type and requiring the same level of security (prisons with security guards, i.e. minimum, medium, and high-security prisons) exceeds the prison's maximum capacity. The area occupied by sanitary facilities is not taken into account.

#### **Pre-trial detention:**

Regulation No. 109/1994, Rules of Procedure of the Exercise of Detention (řád výkonu vazby, hereinafter 'Rules of Procedure of the Exercise of Detention')<sup>2</sup>: The same national standards for cell space (as presented with regard to the post-trial detention regime) apply to the exercise of pre-trial detention.

#### **Police custody:**

Police detention is regulated by Act No. 273/2008 Coll. on the Police of the Czech Republic.<sup>3</sup> This act contains very brief rules on detention. Detailed standards are regulated by the internal documents of the Police; however, these documents are not accessible to the public.

<sup>1</sup> Czech Republic, Art. 17 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>2</sup> Czech Republic, Art. 15 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>3</sup> Czech Republic, Art. 24–33 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

Act No. 273/2008 Coll. on the Police of the Czech Republic does not contain any specific rules regarding cell space. It states only that prison cells must be hygienically sound and must be fit for purpose.<sup>4</sup>

- b) **Cell equipment, furniture and facilities:** Are there any national standards for cell equipment (heating, ventilation, cooling, etc.), furniture (bed, mattress, shelf, wardrobe, seating, table, etc.) and/or facilities (lighting, incl. windows, washbasin, toilet, shower etc.), including any measurements? If so, what do they require?

### **Microclimatic conditions**

The regulation of microclimatic conditions (heating, cooling, ventilation, etc.) in prisons is fragmented in Czech legislation, as only general, nonspecific norms regulate the conditions in prisons, and general rules apply to detention facilities. There are a number of laws, regulations, and technical norms that apply.

Requirements for temperature and air quality are primarily regulated by Act No. 258/2000 Coll., the Public Health Protection Act (Zákon o ochraně veřejného zdraví),<sup>5</sup> and Regulation No. 6/2003 Coll., on the hygienic limits of chemical, physical, and biological indicators for the indoor environment of living spaces in certain buildings (Vyhláška, kterou se stanoví hygienické limity chemických, fyzikálních a biologických ukazatelů pro vnitřní prostředí obytných místností některých staveb).<sup>6</sup> This regulation describes in detail the requirements for the temperature in cells and other spaces (for cells it is between 20 and 24 °C during the cold season and between 22 and 26 °C during the hot season)<sup>7</sup>, for relative air humidity, etc.

It states that cells must have direct or indirect (e.g. through air conditioning) ventilation. Indirect ventilation is used if direct ventilation is insufficient to comply with the regulation standards (regarding temperature, air humidity, concentration of pollutants etc.).<sup>8</sup>

These rules apply to pre-trial detention and post-trial detention.

### **Furniture and facilities**

The national standards on furniture and facilities are regulated by the Act No. 273/2008 Coll., on the Police of the Czech Republic, the Act No. 169/1999 Coll., on the Execution of the Punishment of the Deprivation of Liberty (Zákon o výkonu trestu odnětí svobody),<sup>9</sup> the Rules of Procedure of the Exercise of the Punishment of the Deprivation

<sup>4</sup> Czech Republic, Art. 33 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>5</sup> Czech Republic, [Act No. 258/2000 Coll., Public Health Protection Act](#) (zákon o ochraně veřejného zdraví), 11 August 2000.

<sup>6</sup> Czech Republic, [Regulation No. 6/2003 Coll., on the hygienic limits of chemical, physical and biological indicators for the indoor environment of living spaces in certain buildings](#) (vyhláška, kterou se stanoví hygienické limity chemických, fyzikálních a biologických ukazatelů pro vnitřní prostředí obytných místností některých staveb), 15 January 2003.

<sup>7</sup> Czech Republic, Annex I of the [Regulation No. 6/2003 Coll., on the hygienic limits of chemical, physical and biological indicators for the indoor environment of living spaces in certain buildings](#) (vyhláška, kterou se stanoví hygienické limity chemických, fyzikálních a biologických ukazatelů pro vnitřní prostředí obytných místností některých staveb), 15 January 2003.

<sup>8</sup> Czech Republic, Art. 3 of the [Regulation No. 6/2003 Coll., on the hygienic limits of chemical, physical and biological indicators for the indoor environment of living spaces in certain buildings](#) (vyhláška, kterou se stanoví hygienické limity chemických, fyzikálních a biologických ukazatelů pro vnitřní prostředí obytných místností některých staveb), 15 January 2003.

<sup>9</sup> Czech Republic, Art. 16 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

of Liberty<sup>10</sup> (post-trial detention), Act No. 293/1993 Coll., on the Performance of Detention (Zákon o výkonu vazby),<sup>11</sup> and the Rules of Procedure of the Exercise of Detention<sup>12</sup> (pre-trial detention).

#### *Post-trial detention*

The prisoner has his or her own bed and lockable cabinet in the cell. Bunk beds in a cell may be used only, if a distance of at least 80 cm is maintained between the bottom and top beds and if there is at least 7 m<sup>3</sup> of air per person. The top bed must be equipped with a dust-proof pad. Cells must be equipped with a table and chairs, the number of which must correspond to the number of accommodated prisoners. The cells must be equipped with a bathroom, which includes a toilet and a sink with running drinking water. Electric lighting and signalling (calling) equipment must be installed in each cell.

#### *Pre-trial detention*

The same national standards for furniture and facilities (as presented with regard to the post-trial detention regime) apply to the exercise of police pre-trial detention.

#### *Police custody*

Act No. 273/2008 Coll. on the Police of the Czech Republic states that there must be no objects in the cell that could be misused to endanger the life or health of a police officer or other persons. It does not contain any further details on a cell's furnishings.<sup>13</sup>

c) **Video-surveillance of cells:** Are there any national standards for video-surveillance of cells? If so, what do they require?

### **Pre-trial detention and post-trial detention**

The video-surveillance of detention facilities is regulated by Act No. 555/1992 Coll., on Prison and Judicial Guards (Zákon o vězeňské a justiční stráží).<sup>14</sup> According to Art. 21a, the Prison Service may, if it is necessary for the performance of its tasks, make audio, video, or other recordings of persons and property located in facilities managed and guarded by it (i.e. both pre-trial detention and post-trial detention). If permanent automatic technical systems are set up to make the recordings, the Prison Service is obliged to publish information on the installation of such systems in an appropriate manner. There is no specific rule that regulates the surveillance of cells, and no case law has addressed the question of whether this provision also applies to cells. However, according to the Ombudsperson,<sup>15</sup> the video surveillance of cells disproportionately interferes with the right to privacy.

#### **Police custody**

Act No. 273/2008 Coll. on the Police of the Czech Republic states that the Police may, if it is necessary for them to perform its tasks, make audio, video, or other recordings of

<sup>10</sup>Czech Republic, Art. 17 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>11</sup> Czech Republic, [Art. 9 of the Act No. 293/1993 Coll., on the Performance of Custody](#) (zákon o výkonu vazby), 10 December 1993.

<sup>12</sup> Czech Republic, Art. 14 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>13</sup> Czech Republic, Art. 33 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>14</sup> Czech Republic, Art. 21a of the [Act No. 555/1992 Coll., on the Prison and Justice Guard](#) (zákon o vězeňské a justiční stráží), 10 December 1992.

<sup>15</sup> Public Defender of Rights, [Investigation Report No. 923/2018/VOP](#) (Zpráva o šetření sp. zn. 923/2018/VOP), 11 May 2018.

persons and property located in places accessible to the public and the Police also may make recordings of its operations.<sup>16</sup> This provision does not allow the Police to make recordings in prison cells.

d) **Hygienic conditions in cells:** Are there any national standards with regard to cleaning and/or cleanliness of cells? If so, what do they require?

### **Post-trial detention**

According to the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty, convicts are required to maintain order and cleanliness in accordance with hygienic standards. Cleaning and other work necessary to ensure the day-to-day operation of the prison shall be carried out by convicted persons without entitlement to remuneration.<sup>17</sup> To maintain order, cleanliness, and hygiene in the bedrooms and other areas of the prison, convicts are given the necessary amount of standard cleaning and disinfecting agents.<sup>18</sup>

The prisoners wear clothes provided by the prison. Their underwear is changed at least once a week, clothing or footwear as required, and prison bed linen every 14 days.<sup>19</sup> Under certain conditions, they may wear their own clothes, in this case the change of clothes is carried out via post or during visits.

The hygienic conditions in cells are monitored by the regional hygiene stations.<sup>20</sup>

### **Pre-trial detention**

The Rules of Procedure of the Exercise of Detention state that prisoners are obliged to maintain cleanliness in accordance with hygienic standards and customs. The prisoners are given the necessary cleaning agents<sup>21</sup>.

In pre-trial detention, detainees usually wear their own clothes; a change of clothes is carried out via post or during visits. Upon the detainees' request, they can clean their clothes and laundry in the detention facility. If the detainees wear clothes provided by the prison. They have a change of underwear at least once a week, clothing or footwear as required, and prison bed linen every 14 days.<sup>22</sup>

The hygienic conditions in cells are monitored by the regional hygiene stations.<sup>23</sup>

### **Police custody**

<sup>16</sup> Czech Republic, Art. 62 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>17</sup> Czech Republic, Art. 48 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>18</sup> Czech Republic, Art. 17 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>19</sup> Czech Republic, Art. 19 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>20</sup> Czech Republic, Art. 82 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>21</sup> Czech Republic, Art. 14 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>22</sup> Czech Republic, Art. 19–30 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>23</sup> Czech Republic, Art. 82 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

Act No. 273/2008 Coll. on the Police of the Czech Republic states that cells must be hygienically sound and must be fit for purpose.<sup>24</sup>

- e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same national standards for cell space (sect. 1a), cell furnishings (sect. 1b), video-surveillance of cells (sect. 1c), and hygienic conditions in cells (sect. 1d) apply to pre-trial detention and post-trial detention (for details, please see the previous sections).

The standards of police custody are regulated mainly by internal documents of the Police. Information on these regulations are not accessible to the public.

- f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 1. a) – e), including their respective legal basis.

### **Pre-trial detention and post-trial detention:**

Detainees can turn to state authorities and international organisations with their complaints in the case of a breach of their rights<sup>25,26</sup>. They can address the complaint to the director of the detention facility, to the General Directorate of Prison Services, to the Ministry of Justice<sup>27</sup>, or to the public prosecutor<sup>28</sup>. If the complaint is found to be well-founded or partially well-founded, the detention facility is obliged to take the necessary remedial measures without delay. The detainees can also contact the Ombudsperson and initiate an inspection (Act No. 349/1999 Coll., on the Public Defender of Rights<sup>29</sup>). The Ombudsperson may propose remedial measures (in this context mainly a review of a decision, an act or a procedure of the authorities, initiation of disciplinary procedures, provision of damages<sup>30</sup>).

Any claim for damages is resolved in civil court<sup>31</sup>.

- g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National

<sup>24</sup> Czech Republic, Art. 33 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>25</sup> Czech Republic, [Art. 20 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.; Czech Republic, Art. 60 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>26</sup> Czech Republic, Art. 26 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.; Czech Republic, Art. 34 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>27</sup> Czech Republic, [Act No. 555/1992 Coll., on the Prison and Justice Guard](#) (zákon o vězeňské a justiční stráž), 10 December 1992.

<sup>28</sup> Czech Republic, Art. 34 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>29</sup> Czech Republic, Art. 9–10 of the [Act No. 349/1999 Coll., on the Public Defender of Rights](#) (zákon o veřejném ochránci práv), 30 December 1999.

<sup>30</sup> Czech Republic, Art. 19–10 of the [Act No. 349/1999 Coll., on the Public Defender of Rights](#) (zákon o veřejném ochránci práv), 30 December 1999.

<sup>31</sup> Czech Republic, Art. 79 of the Act No. 99/1963 Coll., [Code of Civil Procedure](#) (občanský soudní řád), 17 December 1963.

Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

The relevant NPM reports from the reference period (listed in the following) do not contain any recommendations regarding the aspects addressed in this chapter.

Protection Against Ill-Treatment 2018 ('The 2018 Report'): The 2018 Report in Czech: <https://www.ochrance.cz/dokument/2018/2018-DET-vyrocnni-zprava.pdf>

The 2018 Report in English: [https://www.ochrance.cz/uploads-import/ochrana\\_osob/Zpravy-vyrocnni/2018-DET-annual-report.pdf](https://www.ochrance.cz/uploads-import/ochrana_osob/Zpravy-vyrocnni/2018-DET-annual-report.pdf)

Protection Against Ill-Treatment 2019 ('The 2019 Report'): The 2019 Report in Czech: [https://www.ochrance.cz/dokument/2019/VZ\\_DET\\_2019\\_CZ.pdf](https://www.ochrance.cz/dokument/2019/VZ_DET_2019_CZ.pdf)

The 2019 Report in English: [https://www.ochrance.cz/uploads-import/ochrana\\_osob/Zpravy-vyrocnni/2019-DET-annual-report.pdf](https://www.ochrance.cz/uploads-import/ochrana_osob/Zpravy-vyrocnni/2019-DET-annual-report.pdf)

## 2. Sanitary conditions

The standards described in this chapter are not affected by the measures currently in effect in relation to the COVID19-pandemic. Internal measures may have been adopted by the relevant authorities (Police, Prison Service), but information on any such measures is not accessible to the public.

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do detainees have access to these facilities without undue delay, even during the night? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

### **Post-trial detention**

Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (Řád výkonu trestu odnětí svobody)<sup>32</sup>:

Cells must be equipped with hygiene facilities – a toilet and a sink with running drinking water. The toilet must be separated from the rest of the cell at least by a non-transparent partition<sup>33</sup>.

### **Pre-trial detention**

Regulation No. 109/1994, Rules of Procedure of the Exercise of Detention (Řád výkonu vazby):

<sup>32</sup> Czech Republic, Art. 17 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>33</sup> Czech Republic, Art. 17 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.



The same rules apply regarding pre-trial detention.<sup>3435</sup>

### **Police custody:**

A person placed in a cell has the right to access to a toilet.<sup>36</sup>

b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

### **Post-trial detention**

Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (řád výkonu trestu odnětí svobody)<sup>37</sup>:

Prisoners must have access to bathing (a shower with hot water) at least twice a week. If for technical reasons prisoners are unable to be given access to a shower, they must be given the chance to regularly wash themselves with hot water. The prison administration will provide convicts who do not have basic hygienic products or the funds to purchase them with the necessary quantity and assortment of hygienic products. If it is required due to the nature of the work the convict performs or other circumstances, bathing is allowed more often.

Convicts are required to maintain order and cleanliness in the shower/bathing facilities in accordance with hygienic standards.<sup>38</sup> To maintain order, cleanliness, and hygiene in the shower facilities, convicts are given the necessary amount of common cleaning and disinfecting agents.<sup>39</sup> The frequency of cleaning is not defined by the relevant norms.

The hygienic conditions in cells are monitored by the regional hygiene stations.<sup>40</sup>

### **Pre-trial detention**

Regulation No. 109/1994, Rules of Procedure of the Exercise of Detention (řád výkonu vazby):

The rules on access to regularly cleaned shower/bathing facilities are similar to the ones that apply to the exercise of the punishment of the deprivation of liberty. One additional rule applies to bathing/showering: Accused persons are guarded by a person of the same sex. On the recommendation of a doctor, or if required for hygienic reasons, bathing is allowed for accused persons more often<sup>41</sup>. The prison administration will provide accused persons who do not have basic hygienic products

<sup>34</sup> Czech Republic, [Art. 9 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.; Czech Republic, Art. 14 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>35</sup> Czech Republic, Art. 14 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>36</sup> Czech Republic, Art. 33 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>37</sup> Czech Republic, Art. 21 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>38</sup> Czech Republic, Art. 48 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>39</sup> Czech Republic, Art. 17 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>40</sup> Czech Republic, Art. 82 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>41</sup> Czech Republic, Art. 36 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

or the funds to purchase them with the necessary quantity and assortment of hygienic products.<sup>42</sup>

The Rules of Procedure of the Exercise of Detention state that prisoners are obliged to maintain cleanliness in accordance with hygienic standards and customs. They clean the shower facilities, but the frequency of cleaning is not defined by the relevant norms. The prisoners are given the necessary cleaning agents.<sup>43</sup>

The hygienic conditions in cells are monitored by the regional hygiene stations.<sup>44</sup>

### **Police custody**

The person placed in a cell has the right to access to water and to the performance of basic hygiene.<sup>45</sup>

c) What are the national standards with regard to cleaning and cleanliness of sanitary facilities?

No special rules regulate the cleanliness of sanitary facilities in police custody, pre-trial detention or in post-trial detention facilities; general rules and hygienic requirements on buildings apply to detention facilities.

The basic rules regulating hygienic conditions in buildings are Act No. 258/2000 Coll., the Public Health Protection Act and the Regulation No. 6/2003 Coll.,<sup>46</sup> on the hygienic limits of chemical, physical, and biological indicators for the indoor environment of living spaces in certain buildings<sup>47</sup> (please see sect. 1b).

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

For differences between pre-trial detention and post-trial detention, please see sect. 2b.

The standards of police custody are regulated mainly by internal Police documents, and information on these regulations is not accessible to the public.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 2. a) – d), including their respective legal basis.

(Available remedies are the same as in section 1f.)

### **Pre-trial detention and post-trial detention:**

<sup>42</sup> Czech Republic, Art. 35 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>43</sup> Czech Republic, Art. 14 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>44</sup> Czech Republic, Art. 82 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>45</sup> Czech Republic, Art. 33 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>46</sup> Czech Republic, Act No. 258/2000 Coll., [Public Health Protection Act](#) (zákon o ochraně veřejného zdraví), 11 August 2000.

<sup>47</sup> Czech Republic, [Regulation No. 6/2003 Coll., on the hygienic limits of chemical, physical and biological indicators for the indoor environment of living spaces in certain buildings](#) (vyhláška, kterou se stanoví hygienické limity chemických, fyzikálních a biologických ukazatelů pro vnitřní prostředí pobytových místností některých staveb), 15 January 2003.

Detainees can turn to state authorities and international organisations with their complaints in the case of a breach of their rights.<sup>4849</sup> They can address the complaint to the director of the detention facility, to the General Directorate of Prison Services, to the Ministry of Justice,<sup>50</sup> or to the public prosecutor. If the complaint is found to be well-founded or partially well-founded, the detention facility is obliged to take the necessary remedial measures without delay. The detainees can also contact the Ombudsperson and initiate an inspection (Arts. 9 and 10 of Act No. 349/1999 Coll. on the Public Defender of Rights<sup>51</sup>). The Ombudsperson may propose remedial measures (in this context mainly review of a decision, act or procedure of the authorities, initiation of disciplinary procedures, provision of damages - Art. 19 of Act No. 349/1999 Coll. on the Public Defender of Rights).

Any claim for damages is resolved in civil court.<sup>52</sup>

- f) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

The relevant NPM reports from the reference period (listed with hyperlinks in section 1g) do not contain any recommendations regarding the aspects addressed in this chapter.

### 3. Time out of cell

The standards described in this chapter are not affected by the measures currently in effect in relation to the COVID19-pandemic. Internal measures may have been adopted by the relevant authorities (Police, Prison Service), but these are not accessible to the public.

- a) What is the national standard set for time per day/week spent by detainees outside of their cells:
- Outdoors (within the boundary of the prison)?
  - Indoors in the common area?

<sup>48</sup> Czech Republic, [Art. 20 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993; Czech Republic, Art. 60 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>49</sup> Czech Republic, Art 26 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999, Art. 34 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>50</sup> Czech Republic, [Act No. 555/1992 Coll., on the Prison and Justice Guard](#) (zákon o vězeňské a justiční strážní), 10 December 1992.

<sup>51</sup> Czech Republic, [Act No. 349/1999 Coll., on the Public Defender of Rights](#) (zákon o veřejném ochránci práv), 30 December 1999.

<sup>52</sup> Czech Republic, Act No. 99/1963 Coll., [Code of Civil Procedure](#) (občanský soudní řád), 17 December 1963.

Act No. 169/1999 on the Performance of the Punishment of the Deprivation of Liberty<sup>53</sup> (zákon o výkonu trestu odnětí svobody) and Act No. 293/1993 on the Performance of Detention<sup>54</sup>:

**Outdoors:**

The national standard set for the amount of time per day spent outdoors is one hour per day, both, in the case of persons serving a prison sentence and those who are held in pre-trial detention.

**Indoors:**

The amount of time spent indoors is not defined.

**Police custody**

The relevant norms do not contain any standards regarding the time spent outdoors.

b) Do sports or other recreational and/or educational facilities have to be available to detainees? If so, what types?

**Post-trial detention:**

Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty:<sup>55</sup>

All prisoners must follow a special programme of treatment (program zacházení), which defines the goals of the performance of the punishment of the deprivation of liberty. The content of the programme of treatment is determined by professional staff for each prisoner individually,<sup>56</sup> and is approved by the director or his/her deputy. The programme aims in particular to minimise the identified risks that were or are related to crime or may affect the committing of a crime in the future. The programme describes the activities that a prisoner is required to perform, including work, recreational, and educational activities.

*Work activities* include the following: employment, work activities related to the prison's everyday operations (každodenní provoz), work therapy led by the employees of the Prison Service who have special training in this area.

*Educational activities* include the following: education carried out by vocational schools, education led or supervised by employees of the Prison Service, participation in correspondence courses and within the network of elementary and secondary schools and universities in the Czech Republic.

*Special educational activities* include the following: social, pedagogical, and therapeutic activities focused on the reasons and consequences of committing a crime, and changing the attitudes, thinking, and behaviour of convicts.

<sup>53</sup> Czech Republic, Art. 16 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

<sup>54</sup> Czech Republic, [Art. 18 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.

<sup>55</sup> Czech Republic, Art. 36–40 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>56</sup> Czech Republic, Art. 8 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

*Recreational activities* include the following: forms of individual and group recreational activities are organised and led by employees with the necessary professional education, who help convicts to develop their abilities, knowledge and social skills.

In addition to the programme of treatment, prisoners can play sports during their time spent outdoors. They may also use the prison library, read print media, books, and publications, participate in the editing of the prisoners' own newspaper, watch television programmes, and participate in other educational and recreational activities offered by the prison.

**Pre-trial detention:**

Regulation No. 109/1994, Rules of Procedure of the Exercise of Detention:

Accused persons do not participate in special programmes of treatment. During detention, the prison is obliged to offer the accused/prisoners participation in at least one preventive educational, hobby, or sports programme<sup>57</sup>.

**Police custody:**

The relevant norms do not contain any standards regarding recreational activities.

c) Is there a national standard for time spent in cells? If so, what does it require?

The Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (*vyhláška, kterou se vydává řád výkonu trestu odnětí svobody*):

Prisoners are locked in their cell for the 8-hour period that is reserved for sleep. This period of time can be extended in justified cases by the director of the prison, mainly for reasons of security and safety in the prison. Also, all prisoners must follow a special programme of treatment, which describes the activities that a prisoner is required to perform, including working activities, and recreational and educational activities.

d) Are there any national standards with regard to activities and/or programmes that should be available to detainees when they are outside their cells? If so, what do they require?

Yes, please see sect. 3b).

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There is a difference between pre-trial detention and post-trial detention with regard to available activities and the national standard for time spent in cells; please see sect. 3b and 3c.

The standards of police custody are regulated mainly by the Police's internal documents, but information on these regulations is not available to the public.

The extent of prisoners' freedom of movement in a prison's indoor area or while working outside the prison depends on the type of prison. Prisons with a lower level of security (*věznice s ostrahou*) may allow prisoners unrestricted freedom of movement, depending on the type of the indoor structure<sup>58</sup>. In low-level security prisons, prisoners

<sup>57</sup> Czech Republic, Art. 4a of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (*vyhláška, kterou se vydává řád výkonu vazby*), 3 June 1994.

<sup>58</sup> Czech Republic, Art. 51–54 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (*vyhláška, kterou se vydává řád výkonu trestu odnětí svobody*), 21 December 1999.

may usually have unrestricted movement in designated areas. In low- and middle-level security prisons, prisoners usually work outside the prison area and are supervised once a week (a low level of security) or once an hour (a middle level of security). Prisoners in low- and middle-level security prisons may also move outside the prison to take part in various educational, cultural, or sports activities, if permitted by the director of the Prison Service. Prisons with a high level of security (*vysoký stupeň zabezpečení*) are more like higher security prisons (*věznice se zvýšenou ostrahou*). Within these, prisoners usually work within the area of the prison and their movement within the area of the prison is usually restricted. They are only allowed to move around outside their cells under the supervision of a member of the Prison Service. They cannot move freely outside the area of the prison. Prisoners in higher security prisons (*věznice se zvýšenou ostrahou*) are only allowed to work in the area of the prison or in the cells and are supervised every 30 minutes. They are never allowed to move freely within the area of the prison and visits must also take place under the supervision of a member of the Prison Service.

- f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 3. a) – e), including their respective legal basis.

(Available remedies are the same as in section 1f.)

#### **Pre-trial detention and post-trial detention:**

Detainees can turn to state authorities and international organisations with their complaints in the case of a breach of their rights.<sup>5960</sup> They can address the complaint to the director of the detention facility, to the General Directorate of Prison Services, to the Ministry of Justice<sup>61</sup> (), or to the public prosecutor. If the complaint is found to be well-founded or partially well-founded, the detention facility is obliged to take the necessary remedial measures without delay. The detainees can also contact the Ombudsperson and initiate an inspection (Art. 9 and 10 of the Act No. 349/1999 Coll., on the Public Defender of Rights<sup>62</sup>). The Ombudsperson may propose remedial measures (in this context mainly a review of a decision, an act or procedure of the authorities, initiation of disciplinary procedures, provision of damages - Art. 19 of the Act No. 349/1999 Coll., on the Public Defender of Rights).

Any claim for damages is resolved in civil court.<sup>63</sup>

- g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

<sup>59</sup> Czech Republic, [Art. 20 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.; Art. 60 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>60</sup> Czech Republic, Art. 26 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.; Art. 34 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>61</sup> Czech Republic, [Act No. 555/1992 Coll., on the Prison and Justice Guard](#) (zákon o vězeňské a justiční strážní), 10 December 1992.

<sup>62</sup> Czech Republic, [Act No. 349/1999 Coll., on the Public Defender of Rights](#) (zákon o veřejném ochránci práv), 30 December 1999.

<sup>63</sup> Czech Republic, Act No. 99/1963 Coll., [Code of Civil Procedure](#) (občanský soudní řád), 17 December 1963.

The relevant NPM reports from the reference period (listed with hyperlinks in section 1.g.) do not contain any recommendations regarding the aspects addressed in this chapter.

#### 4. Solitary confinement

The standards described in this chapter are not affected by the measures currently in effect in relation to the COVID19-pandemic. Internal measures may have been adopted by the relevant authorities (police, Prison Service), but these are not available to the public.

a) What are the national standards regarding solitary confinement?

##### **Post-trial detention:**

Act No. 169/1999 on the Performance of the Punishment of the Deprivation of Liberty (zákon o výkonu trestu odnětí svobody):

Solitary confinement is a form of disciplinary punishment ordered for a disciplinary offence (a disciplinary offence is a culpable breach of an obligation, order, or discipline imposed by law during the execution of a sentence).<sup>64</sup> A prisoner may be placed in a closed department (with the exception of the time reserved for tasks specified in the treatment programme) for a maximum of 28 days. A prisoner may be placed all day in a closed department for a maximum of 20 days or placed in solitary confinement (for a maximum of 20 days).<sup>65</sup>

The disciplinary punishment of placing a person in a closed department can be imposed repeatedly and carried out immediately. Repeat imposition of the disciplinary punishment of all-day placement in closed department or placement in solitary confinement may not begin until at least 10 days have elapsed since a preceding instance of this same disciplinary punishment. However, if the disciplinary punishment of all-day placement in a closed department or solitary confinement has been re-imposed while one of these disciplinary punishments was being served, both such disciplinary punishments may be carried out immediately.<sup>66</sup>

In solitary confinement the convict does not work, does not take part in the treatment programme, is not allowed to smoke or to read daily newspapers, books, or other publications except for legal, educational, or religious literature, and is not allowed to shop for food and personal belongings, except for hygienic necessities. The prisoner is not allowed to rest in bed except during the time designated for rest according to the internal rules. The same rules apply for the disciplinary punishment of all-day placement in a closed department, with the exception that the convict is obliged to do cleaning activities and perform work necessary for the everyday operations of the prison.<sup>67</sup>

<sup>64</sup> Czech Republic, Art. 46 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

<sup>65</sup> Czech Republic, Art. 46 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

<sup>66</sup> Czech Republic, Art. 49 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

<sup>67</sup> Czech Republic, Art. 49 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

**Pre-trial detention:** An accused person may be placed in solitary confinement for up to 10 days.<sup>68</sup>

A disciplinary sentence of solitary confinement may be imposed only if the intentional breach of the established obligations is very serious or previous re-imposed disciplinary penalties and other measures have not had any effect. After a period of imposed solitary confinement, another disciplinary punishment of solitary confinement may be carried out only after five days have elapsed if the disciplinary sentence lasted five days or less, and after ten days if the disciplinary punishment lasted longer than five days.<sup>69</sup>

### **Police custody**

The relevant norms do not contain any standards regarding solitary confinement.

b) Are there any national standards with regard to checking and/or monitoring the wellbeing of detainees in solitary confinement? If so, what do they require?

### **Post-trial detention:**

Act No. 169/1999 on the Performance of the Punishment of the Deprivation of Liberty (zákon o výkonu trestu odnětí svobody) establishes the following:

Before the commencement of a disciplinary sentence of placement in solitary confinement and at least once a week during its execution, the prisoner must be examined by a doctor, who will assess whether he or she is medically fit to serve this disciplinary sentence<sup>70</sup>.

### **Pre-trial detention:**

According to the Rules of Procedure of the Exercise of Custody, same rules apply in pre-trial detention. The Regulation further states that the accused is placed in solitary confinement under the increased supervision of a member of the Prison Service<sup>71</sup>.

### **Police custody**

The relevant norms do not contain any standards regarding solitary confinement.

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

For differences between pre-trial detention and post-trial detention, please see sect. 4a and 4b. There are no other differences between these two regimes.

The standards of police custody are regulated mainly by the Police's internal documents, but information on these regulations is not available to the public.

d) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 4. a) - c), including their respective legal basis.

<sup>68</sup> Czech Republic, [Art. 22 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.

<sup>69</sup> Czech Republic, Art. 63 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>70</sup> Czech Republic, Art. 49 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

<sup>71</sup> Czech Republic, Art. 63 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.



**Post-trial detention:**

According to Act No. 169/1999 Coll., on the Performance of the Punishment of the Deprivation of Liberty (Art. 52) and the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (Art. 59-60), the prisoner has the right to file a complaint against the imposition of a disciplinary punishment within 3 days. The director of the prison or an authorised employee of the Prison Service decides on the complaint within 5 working days of its submission and either confirms, changes, or cancels the disciplinary punishment. If the prisoner does not agree with the manner, in which the complaint is handled, he or she may file an appeal to the General Directorate of the Prison Service. If the prisoner does not agree with the decision on his appeal, he or she can bring an action before the administrative court<sup>72</sup>.

**Pre-trial detention:**

According to Act No. Act No. 293/1993 on the Execution of Detention<sup>73</sup> and the Rules of Procedure of the Exercise of Detention<sup>74</sup>, the same rules apply in pre-trial detention.

- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

For links to the relevant NPM reports, please see section 1.g.).

The 2018 report states:

*Právní úprava maximální délky kázeňského trestu samovazby převyšuje mezinárodní standard, který činí 14 dnů. Následné ukládání kázeňských trestů může fakticky délku samovazby prodloužit i nad předpisy stanovené maximum. Výbor CPT dále opětovně doporučoval, aby disciplinární trest vězňů nezahrnoval celkový zákaz kontaktu s rodinou, pokud spáchaný přestupek s tímto kontaktem nesouvisel. Možné řešení: Vláda v roce 2015 vyslovila v komunikaci s CPT příslib připravit návrh novely zákona, aby byl proces kázeňského řízení celkově upraven v zákoně o výkonu trestu odnětí svobody, byla zkrácena doba samovazby a pobytu v uzavřeném oddělení a rozhodování o nejzávažnějších kázeňských proviněních bylo přesunuto do trestního řízení. Príslib dosud splněn nebyl. Je zapotřebí změnit zákon o výkonu trestu odnětí svobody.*

The legal limit for the duration of solitary confinement as a form of disciplinary punishment is 14 days. Subsequent disciplinary punishments can pro-long the effective duration of solitary confinement even above the statutory maximum. The CPT has further repeatedly pointed out that the range of possible disciplinary punishment of prisoners should not include total prohibition of contact with family, if the misconduct committed did not relate to such a contact. Potential solution: In 2015, the Government promised to the CPT to prepare a draft amendment that would incorporate disciplinary proceedings comprehensively in the Service of Imprisonment Act, reduce the time of solitary confinement and placement in an enclosed ward, and transfer decision-making

<sup>72</sup> Czech Republic, Art. 52 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

<sup>73</sup> Czech Republic, [Art. 23 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.

<sup>74</sup> Czech Republic, Art. 66–67 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

on the most serious disciplinary misconduct to criminal proceedings. The promise has yet to be fulfilled. It is necessary to modify the Service of Imprisonment Act.

## 5. Access to healthcare

The standards described in this chapter are not affected by the measures currently in effect in relation to the COVID19-pandemic. Internal measures may have been adopted by the relevant authorities (Police, Prison Service), but these are not available to the public.

- a) What is the national standard with regard to access to medical services in prisons, including emergency care? (E.g.: Do detainees have prompt access to medical services within prisons and/or externally? Do detainees have access to dentists, opticians, etc.?) If so, what does it require?

### **Post-trial detention:**

Healthcare is provided to prisoners by the Prison Service in its healthcare facilities. If necessary, healthcare is provided in cooperation with other healthcare providers.

Prisoners have the right to health services to the extent and under the conditions stipulated by the law governing health services and the conditions for their provision, taking into account the restrictions arising from the purpose of the sentence,<sup>75</sup> i.e. they have access to specialised health-care services (such as dentists, opticians, etc.) to the same extent as the general public. The detainee's right to privacy is regulated by the Act on Health Services.<sup>76</sup> It states that the provider of health services is obliged to ensure that health services are provided to detainees in the presence of a member of the Prison Service, within his or her sight, but out of his or her earshot. In cases of danger to life, health, or safety a member of the Prison Service is entitled to be present during the provision of medical services and within earshot.

The Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty state with regard to emergency care that, if the health condition of the convicted person requires the provision of urgent medical care and if it is not possible to provide it in the medical facility of the Prison Service, a medical emergency service or a medical rescue service must be called by the Prison Service body<sup>77</sup>.

### **Pre-trial detention:**

The same rule applies in pre-trial detention, according to the Act No. Act No. 293/1993 on the Execution of Detention and the Rules of Procedure of the Exercise of Detention<sup>78,79</sup>.

### **Police custody:**

<sup>75</sup> Czech Republic, Art. 16 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

<sup>76</sup> Czech Republic, Art. 46 of the Act No. 372/2011 Coll., on Health Services (zákon o zdravotních službách), 8 December 2011

<sup>77</sup> Czech Republic, Art. 23 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>78</sup> Czech Republic, [Art. 18 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.

<sup>79</sup> Czech Republic, Art. 32 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

If a person placed in a cell becomes ill, suffers an injury, or attempts suicide, the police officer guarding the cell takes the necessary measures to protect his or her life or health, in particular by providing first aid and calling a doctor to request an opinion on whether the person should be kept in his/her cell or should be moved to a medical facility. If, in the opinion of the doctor, the person's state of health prevents him/her from remaining in the cell, the police officer has to release the person from the cell immediately. If it is necessary for the person's health condition, the police officer will arrange his or her transfer to a medical facility.<sup>80</sup>

b) Are there any national standards concerning the availability of qualified medical and nursing personnel? If so, what do they require?

**Post-trial detention:**

With regard to Art. 16 of the Act No. 169/1999 Coll., on the Performance of the Punishment of the Deprivation of Liberty, the prisoners should be provided with care anytime they need it; medical services and personnel should be available non-stop. If it is not possible to provide healthcare in the facilities of the Prison Service, the prisoner must be escorted to a medical facility outside of the prison, or an emergency service must be called.<sup>81</sup>

**Pre-trial detention:**

The same rules apply in custody, according to the Rules of Procedure of the Exercise of Detention.<sup>82</sup>

**Police custody:**

The relevant norms do not contain any standards regarding solitary confinement.

c) Are there any national standards for an initial medical examination upon deprivation of liberty or transfer of a detainees? If so, what do they require?

**Post-trial detention:**

According to Art. 28 of Act No. 169/1999 Coll., on the Execution of the Punishment of the Deprivation of Liberty, a prisoner is obliged to undergo a preventive initial examination, periodic and emergency examinations, and an exit medical examination, which includes the provision of necessary diagnostic and laboratory examinations and vaccinations. The initial examination is performed during the first two weeks spent in the detention facility.<sup>83</sup>

**Pre-trial detention:**

According to Art. 8 of the Act No. 293/1993, on the Execution of Detention, the same rules apply in pre-trial detention.

**Police custody:**

<sup>80</sup> Czech Republic, Art. 32 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>81</sup> Czech Republic, Art. 23 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>82</sup> Czech Republic, Art. 32 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>83</sup> Czech Republic, Art. 6 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

A person who is obviously under the influence of an addictive substance may be placed in a cell provided that the doctor does not find any reason for him/her to be placed in an anti-alcohol and anti-drug detention centre or other medical facility.

If a police officer finds that a person to be placed in a cell is injured, or if the officer is warned that the person has a serious illness or if there is a reasonable suspicion that the person is suffering from a disease, the police officer shall arrange for the person's medical treatment and request a doctor's opinion on the state of his or her health.<sup>84</sup>

d) Are there any national standards relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly detainees, the mentally ill, drug addicted detainees, etc.) If so, what do they require?

There is a crisis department both in pre-trial detention<sup>85</sup> and post-trial detention<sup>86</sup> for prisoners who experience a sudden mental crisis.

Prisoners with severe disabilities must be provided with adequate conditions enabling the dignified execution of the sentence (Art. 16 of the Act No. 169/1999 Coll., on the Execution of the Punishment of the Deprivation of Liberty and Art. 18 of the Act No. 293/1993, on the Execution of Detention. The relevant norms do not contain further details on this issue).

**Police custody:**

The relevant norms do not contain any standards regarding solitary confinement.

e) Are there any national standards with regard to a medical treatment of the detainee's own choosing? If so, what do they require?

**Post-trial detention:**

Act No. 169/1999 Coll., on the Execution of the Punishment of the Deprivation of Liberty states that prisoners do not have the right to freely choose the provider of their health services or the medical facility for themselves.

**Pre-trial detention:**

There is no such specific rule in Act No. 293/1993 Coll., on the Execution of Detention, but it states that detainees have the right to health services to the extent and under the conditions stipulated by the law governing health services and the conditions for their provision taking into account the restrictions arising from the purpose of pre-trial detention.<sup>87</sup>

**Police custody:**

A person deprived of his or her liberty has the right to be examined or treated by a doctor of his or her choice; this does not apply to a doctor's examination to

<sup>84</sup> Czech Republic, Art. 31 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>85</sup> Czech Republic, Art. 11 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>86</sup> Czech Republic, Art. 23 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>87</sup> Czech Republic, [Art. 18 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.

determine whether he or she can be placed in a police cell or whether he or she needs to be released.<sup>88</sup>

**Relevant case law:**

This has been confirmed by the Supreme Court (see the judgment of the Supreme Court, 30 Cdo 170/2014, 17 December 2014, in Part II). The Supreme Court ruled that a prisoner is not entitled to choose even in the case when there were two alternative treatments (surgery vs. conservative treatment) that were equal, but only one of them was available in the prison hospital.

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply to pre-trial detention and post-trial detention.

Different standards apply to police custody, please see sect. 4a, 4c and 4d.

g) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 5. a) – f), including their respective legal basis.

Available remedies are regulated by Act No. 372/2011 Coll., on Health Services (zákon o zdravotních službách).<sup>89</sup> Detainees can file a complaint with the prison's director against the conduct and activities of the provider of health services. The director can impose corrective measures on the provider. If the detainee does not agree with the way his or her complaint was dealt with, he or she can file an appeal with the Ministry of Justice<sup>90</sup>.

Any claim for damages is resolved in civil court<sup>91</sup>.

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

For links to the relevant NPM reports, please see chapter 1.g.).

The 2018 Report states the following:

*Změnit zákon o zdravotních službách tak, aby oznámení zjištění známek špatného zacházení nepředstavovalo porušení mlčenlivosti lékaře.*

Modify the Healthcare Services Act, so that a report on medical evidence indicative of ill-treatment does not represent a violation of the physician's confidentiality.

<sup>88</sup> Czech Republic, Art. 24 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>89</sup> Czech Republic, Act No. 372/2011 Coll., [on Health Services](#) (zákon o zdravotních službách), 8 December 2011.

<sup>90</sup> Czech Republic, Art 93 of the Act No. 372/2011 Coll., [on Health Services](#) (zákon o zdravotních službách), 8 December 2011.

<sup>91</sup> Czech Republic, Art. 79 of the Act No. 99/1963 Coll., [Code of Civil Procedure](#) (občanský soudní řád), 17 December 1963.

*Je zapotřebí změnit zákon o zdravotních službách a vést policisty a příslušníky Vězeňské služby ČR k respektování pravidla, že jejich přítomnost při ošetření je možná pouze na požádání lékaře, a to pak jen „na dohled“.*

It is necessary to modify the Healthcare Services Act and direct police officers and members of the Prison Service of the Czech Republic to respect the rule that their presence in treatment is only possible on the physician's request, and, in that case, only "in sight".

## 6. Special measures in place to protect young detainees

The standards described in this chapter are not affected by the measures currently in effect in relation to the COVID19-pandemic. Internal measures may have been adopted by the relevant authorities (Police, Prison Service), but these are not available to the public.

- a) Are there any national standards with regard to the separation of young detainees from adults? If so, what do they require? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)

### **Post-trial detention:**

Act No. 169/1999 on the Performance of the Punishment of the Deprivation of Liberty (zákon o výkonu trestu odnětí svobody):

Juvenile prisoners are placed separately from adults<sup>92</sup>. The deprivation of liberty is executed with a focus on the education of these prisoners<sup>93</sup>.

### **Pre-trial detention:**

Juveniles are placed in separate cells,<sup>94</sup> usually in a separate department of the detention facility.<sup>95</sup>

### **Police custody:**

Detainees under the age of 18 and adults are placed separately in the cell.<sup>96</sup>

- b) Please indicate the age categories of young persons falling under your country's (juvenile) detention regime.

### **Post-trial detention:**

<sup>92</sup> Czech Republic, Art. 7 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

<sup>93</sup> Czech Republic, Art. 61 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

<sup>94</sup> Czech Republic, [Art. 26 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.

<sup>95</sup> Czech Republic, Art. 73 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>96</sup> Czech Republic, Art. 30 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

According to the Act on the Execution of the Punishment of the Deprivation of Liberty, a juvenile is a person, who, at the time of committing the offence, has reached the age of fifteen and has not exceeded the age of eighteen.<sup>97</sup>

When the prisoner reaches the age of 19, the director of the prison may apply to the court for the transfer of the prisoner to a detention facility for adults.<sup>98</sup>

**Pre-trial detention:**

For the purpose of pre-trial detention a juvenile is a person who has not yet reached the age of eighteen.<sup>99</sup> If the juvenile in pre-trial detention turns eighteen, he or she can remain in a separate place, if his or her personal circumstances justify it and if this is not in conflict with the best interests of other juveniles.

**Police custody:**

For the purposes of police custody a juvenile is a person who has not reached the age of eighteen.<sup>100</sup>

- c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Different rules apply to police custody, pre-trial detention and post-trial detention, please see sect. 5a and 5b.

- d) Please indicate any remedies available to young detainees in case of a breach or violation of the standards addressed under 6. a) – c), including their respective legal basis.

(Available remedies are the same as in section 1f.)

**Pre-trial detention and post-trial detention:**

Detainees can turn to state authorities and international organisations with their complaints in the case of a breach of their rights.<sup>101102</sup> They can address the complaint to the director of the detention facility, to the General Directorate of Prison Services, to the Ministry of Justice,<sup>103</sup> ... or to the public prosecutor. If the complaint is found to be well-founded or partially well-founded, the detention facility is required to take the necessary remedial measures without delay. The detainees can also contact the Ombudsperson and initiate an inspection (Art. 9 and 10 of the Act No. 349/1999 Coll.,

<sup>97</sup> Czech Republic, Art. 1 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

<sup>98</sup> Czech Republic, Art. 61 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

<sup>99</sup> Czech Republic, [Art. 25 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.

<sup>100</sup> Czech Republic, Art. 30 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>101</sup> Czech Republic, [Art. 20 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993; Czech Republic, Art. 60 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>102</sup> Czech Republic, Art. 26 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999; Czech Republic, Art. 34 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>103</sup> Czech Republic, [Act No. 555/1992 Coll., on the Prison and Justice Guard](#) (zákon o vězeňské a justiční stráž), 10 December 1992.

on the Public Defender of Rights<sup>104</sup>). The Ombudsperson may propose remedial measures (in this context mainly a review of a decision, an act or procedure of the authorities, initiation of disciplinary procedures, provision of damages - Art. 19 of the Act No. 349/1999 Coll., on the Public Defender of Rights).

Any claim for damages is resolved in civil court.<sup>105</sup>

- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

The relevant NPM reports from the reference period (listed with hyperlinks in chapter 1.g.) do not contain any recommendations regarding the aspects addressed in this chapter.

## 7. Special measures in place to protect detainees from violence

The standards described in this chapter are not affected by the measures currently in effect in relation to the COVID19-pandemic. Internal measures may have been adopted by the relevant authorities (Police, Prison Service), but these are not available to the public.

- a) Are any special measures in place to protect detainees against violence from guards/prison staff, including sexual violence? (E.g.: Are there emergency call buttons? Do guards receive special training? Do detainees have access to a complaints mechanism?)

### **Post-trial detention:**

Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (řád výkonu trestu odnětí svobody):

In order to protect prisoners against violence (committed by other prisoners or by prison staff), Prison Service employees are required to report all cases of violence to the prison's director and carry out all measures necessary to stop such behaviour.

The prisoners must report all cases of violence against other prisoners (committed by other prisoners or by prison staff) to Prison Service employees or to the director. The prison's director is required to investigate these reports. He or she has a duty to ensure that the Prison Service employee does not come into direct contact with the convicted person until the case has been investigated<sup>106</sup>.

Act No. 555/1992 Coll. on Prison and Judicial Guards regulates the lawful use of force against prisoners. It states that if it is necessary to ensure order and security, a

<sup>104</sup> Czech Republic, [Act No. 349/1999 Coll., on the Public Defender of Rights](#) (zákon o veřejném ochránci práv), 30 December 1999.

<sup>105</sup> Czech Republic, Act No. 99/1963 Coll., [Code of Civil Procedure](#) (občanský soudní řád), 17 December 1963.

<sup>106</sup> Czech Republic, Art. 35 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.



member of the prison staff is entitled to use coercive measures against persons who are a danger to life or health, who intentionally damage property or violently seek to thwart the purpose of detention, or who disrupt order or security. It also lists the coercive measures that can be used.<sup>107</sup>

### **Pre-trial detention:**

According to the Rules of Procedure of the Exercise of Detention, Prison Service employees must report all cases of violence (committed by other detainees or by prison staff) to the competent authorities<sup>108</sup>. It further states that Prison Service employees are allowed to visually examine a prisoner during the shower to detect traces of physical violence on the accused's body<sup>109</sup>.

### **Police custody**

The relevant norms do not contain any standards regarding protection against violence.

- b) Are any special measures in place to protect detainees against violence from other detainees, including sexual violence? (E.g.: Are detainees supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do detainees have access to a complaints mechanism?)

### **Post-trial detention**

Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (řád výkonu trestu odnětí svobody):

In order to protect prisoners against violence, Prison Service employees are required to report all cases of violence to the director of a prison and carry out all measures necessary to stop such behaviour.

The prisoners must report all cases of violence against other prisoners to Prison Service employees or to the director.

The prison's director is required to investigate these reports. The director has a duty to ensure that prisoners who may become a victim of violence are lodged separately from aggressive prisoners. Every cell needs to be equipped with an emergency signalling button<sup>110</sup>.

### **Pre-trial detention**

According to the Rules of Procedure of the Exercise of Detention, Prison Service employees must report all cases of violence (committed by other detainees or by prison staff) to the responsible authorities.<sup>111</sup> It further states that Prison Service employees are allowed to visually examine a prisoner during showers to look for traces of physical violence on the accused's body.<sup>112</sup>

<sup>107</sup> Czech Republic, Art. 17 of the [Act No. 555/1992 Coll., on the Prison and Justice Guard](#) (zákon o vězeňské a justiční stráž), 10 December 1992.

<sup>108</sup> Czech Republic, Art. 61 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>109</sup> Czech Republic, Art. 36 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>110</sup> Czech Republic, Art. 35 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>111</sup> Czech Republic, Art. 61 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>112</sup> Czech Republic, Art. 36 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

## Police custody

The relevant norms do not contain any standards regarding protection against violence.

- c) Are there any special measures in place to protect LGBTI detainees, who are particularly vulnerable to violence/sexual violence?

According to the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (Art. 35), the director of the prison is obliged to ensure that convicts who, due to their mental characteristics, age, health, and physical condition and other identified factors, could become victims of violence or whose human dignity could be violated are accommodated separately from convicts with aggressive tendencies; in doing so, the director mainly relies on the information provided by a doctor, psychologist, sociologist, special pedagogue, social worker, chaplain, and educators.

There is no such provision in the Rules of Procedure of the Exercise of Detention or in the Act No. 273/2008 Coll., on the Police of the Czech Republic.

- d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The norms regulating different detention types provide different levels of protection (e.g. regarding the rights of LGBTI people or regarding visual examination of detainees). Please see sect. 7a and 7b.

- e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 7. a) – d), including their respective legal basis.

(Available remedies are the same as in section 1f.)

### Pre-trial detention and post-trial detention:

Detainees can turn to state authorities and international organisations with their complaints in the case of a breach of their rights.<sup>113114</sup> They can address the complaint to the director of the detention facility, to the General Directorate of Prison Services, to the Ministry of Justice,<sup>115</sup> ... or to the public prosecutor. If the complaint is found to be well-founded or partially well-founded, the detention facility is required to take the necessary remedial measures without delay. The detainees can also contact the Ombudsperson and initiate an inspection (Art. 9 and 10 of the Act No. 349/1999 Coll., on the Public Defender of Rights<sup>116</sup>). The Ombudsperson may propose remedial measures (in this context mainly a review of a decision, an act or procedure of the authorities, initiation of disciplinary procedures, provision of damages - Art. 19 of the Act No. 349/1999 Coll., on the Public Defender of Rights).

<sup>113</sup> Czech Republic, [Art. 20 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993; Czech Republic, Art. 60 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>114</sup> Czech Republic, Art. 26 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999; Czech Republic, Art. 34 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>115</sup> Czech Republic, [Act No. 555/1992 Coll., on the Prison and Justice Guard](#) (zákon o vězeňské a justiční strážní), 10 December 1992.

<sup>116</sup> Czech Republic, [Act No. 349/1999 Coll., on the Public Defender of Rights](#) (zákon o veřejném ochránci práv), 30 December 1999.

Any claim for damages is resolved in civil court.<sup>117</sup>

- f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

The relevant NPM reports from the reference period (listed with hyperlinks in chapter 1.g.) do not contain any recommendations regarding the aspects addressed in this chapter.

## 8. Women in detention

The standards described in this chapter are not affected by the measures currently in effect in relation to the COVID19-pandemic. Internal measures may have been adopted by the relevant authorities (police, Prison Service), but these are not available to the public.

- a) Are there any national standards for conditions of detention of women in general? If so, what do they require?

Both the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty and the Rules of Procedure of the Exercise of Detention contain special provisions concerning the detention of women. Special rules apply to pregnant women and to mothers of young children (for example, some disciplinary punishments are forbidden in their case; please see sect. 8d and 8e). Different hygienic standards apply to women (please see sect. 8c).

The internal rules and the offer of preventive educational, hobby, and sports programmes take into account the special needs of pregnant women, women in the period of six weeks after childbirth, and breastfeeding mothers<sup>118</sup>.

- b) Are there any national standards for holding and accommodating male and female detainees separate from each other? If so, what do they require?

### **Post-trial detention:**

Act No. 169/1999 on the Performance of the Punishment of the Deprivation of Liberty (zákon o výkonu trestu odnětí svobody) states that women are placed separately from men<sup>119</sup>.

### **Pre-trial detention:**

<sup>117</sup> Czech Republic, Act No. 99/1963 Coll., [Code of Civil Procedure](#) (občanský soudní řád), 17 December 1963.

<sup>118</sup> Art. 76 of the Rules of Procedure of the Exercise of Detention; Czech Republic, Art. 89 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>119</sup> Czech Republic, Art. 7 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.

The Act on the Performance of Detention contains the same provision<sup>120</sup>.

**Police custody**

The Act No. 273/2008 Coll., on the Police of the Czech Republic states that women must be placed in cells separately from men.<sup>121</sup>

c) Are there any national standards for special hygiene conditions and/or hygiene products for female detainees? If so, what do they require?

**Post-trial detention:**

Special hygiene conditions for women are regulated by the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty. Female prisoners can take a shower every day. Conditions must be provided for washing personal laundry and making minor repairs to personal belongings<sup>122</sup>.

**Pre-trial detention:**

There is no similar provision in the Rules of Procedure of the Exercise of Detention.

**Police custody**

No special rules apply to women.

d) Are there any national standards for special healthcare for female detainees that respond to their specific needs, including i.e. pregnancy and post-natal treatment, and treatment/support of mother and child? If so, what do they require?

**Pre-trial detention and post-trial detention**

Female detainees, as well as male detainees, have the right to health services to the extent and under the conditions stipulated by the law that governs health services and the conditions for their provision, taking into account the restrictions arising from the purpose of the sentence. This means they should be given the same care as the general public including pregnancy and post-natal treatment (the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty, Art. 16). Medical services are provided by the Prison Service, and, if necessary, healthcare is provided in cooperation with other healthcare providers.

**Police custody**

No special rules apply to women.

e) Are there any national standards on pregnant detainees in terms of special prison cells for pregnant detainees and/or special facilities for female detainees with babies or young children? If so, what do they require?

**Post-trial detention:**

<sup>120</sup> Czech Republic, [Art. 7 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.

<sup>121</sup> Czech Republic, Art. 30 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>122</sup> Czech Republic, Art. 89 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

According to Art. 322 of Act No. 141/1961 Coll. of the Criminal Procedure Code (trestní řád),<sup>123</sup> the court shall postpone the execution of a custodial sentence against a woman who is pregnant or is the mother of a child under one year of age and has been convicted of a crime, except in the case of a particularly serious crime, for a period of one year after the child's birth (there is no such rule regarding women in pre-trial detention).

Special conditions for imprisoned mothers with young children are regulated by Act No. 169/1999 on the Performance of the Punishment of the Deprivation of Liberty and Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty.

The director of the prison may, at the mother's request, allow a mother to care for her child until the child reaches 3 years of age. A mother, who has been allowed to carry and care for her minor child, is usually accommodated in the section for mothers of minor children. Each mother and child have a separate bedroom, in which there is a bed with a mattress for the child, a changing table, a closet for baby clothes and cosmetics, a playpen, and a washbasin<sup>124</sup>.

**Pre-trial detention:**

According to Act No. 293/1993 Coll., on the Performance of Detention and the Rules of Procedure of the Exercise of Detention, the director of the prison may, at the mother's request, allow a mother to care for her child until the child reaches 1 year of age. The requirements on cell space and equipment are the same as in the case of convicted women<sup>125</sup>.

**Police custody:**

No special rules apply to women.

**Relevant case law:**

Recently the Constitutional Court dealt with the case of a pregnant woman in pre-trial detention who was not allowed to care for her newborn baby (see the judgment of the Constitutional Court, IV. ÚS 2/2018, 9 May 2018, in Part II). The Constitutional Court stressed the importance of the right of a mother to take care of the child and pointed out that there are systemic flaws in the exercise of parental rights in pre-trial detention.

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are different standards with regard to the conditions of mothers of young children, please see sect. 8e.

The standards of police custody are regulated mainly by the Police's internal documents, but information on these regulations is not available to the public.

g) Please indicate any remedies available to female detainees in case of a breach or violation of the standards addressed under 8. a) – f), including their respective legal basis.

<sup>123</sup> Czech Republic, [Act No. 141/1961 Coll., Criminal Procedure Code](#) (trestní řád), 9 December 1961.

<sup>124</sup> Czech Republic, Art. 91 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>125</sup> Czech Republic, [Art. 28a–28c of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993; Czech Republic, Art. 78a of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

In the event that the director rejects the woman's request to have the child with her or if he or she revokes the previously issued permit, the mother may file a complaint within 3 days to the General Directorate of the Prison Service. It is decided on by the General Director or an authorised employee (Art. 67 of the Act No. 169/1999 on the Performance of the Punishment of the Deprivation of Liberty).

The same rules apply in pre-trial detention<sup>126</sup>.

With regard to other standards (prison cells, healthcare, disciplinary punishments etc.), the available remedies are the same as in the case of other prisoners (please see sect. 1f).

- h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

The relevant NPM reports from the reference period (listed with hyperlinks in chapter 1.g.) do not contain any recommendations regarding the aspects addressed in this chapter.

## 9. Nutrition

The standards described in this chapter are not affected by the measures currently in effect in relation to the COVID19-pandemic. Internal measures may have been adopted by the relevant authorities (Police, Prison Service), but these are not available to the public.

- a) Are there any national standards with regard to nutrition in detention in general? If so, what do they require?

### **Post-trial detention:**

National standards with regard to nutrition in prisons are regulated by Act No. 169/1999 on the Performance of the Punishment of the Deprivation of Liberty and the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty. Prisoners are provided with regular food under conditions and in amounts that meet the requirements of maintaining health and take into account their health condition, age, and difficulty of the work they perform. The meal plan that is offered takes into account the cultural and religious tradition of the prisoners<sup>127</sup>.

### **Pre-trial detention:**

<sup>126</sup> Czech Republic, [Art. 28a of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993.

<sup>127</sup> Czech Republic, Art. 16 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

According to Act No. 293/1993 Coll., on the Performance of Detention and the Rules of Procedure of the Exercise of Detention, the same rules apply in pre-trial detention<sup>128</sup>.

**Police custody:**

The relevant norms do not contain any standards regarding nutrition.

b) Are there any national standards with regard to frequency and regularity of provision of meals (warm and cold)? If so, what do they require?

**Pre-trial detention and post-trial detention:**

There are no specific rules apart from the rule described in sect. 9a.

**Police custody:**

The detainee has the right to food three times a day<sup>129</sup>.

c) Are there any national standards with regard to healthy food, special diets or dietary restrictions? If so, what needs to be provided to detainees?

**Post-trial detention:**

According to the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty, a doctor can decide on special nutrition, its type and duration<sup>130</sup>.

A prisoner who, for reasons of his or her disposition or conviction, does not wish to accept the standard meal plan, is allowed to obtain supplementary food at his or her own expense, if the conditions in the prison allow it<sup>131</sup>.

**Pre-trial detention:**

The same rules apply in pre-trial detention (the Rules of Procedure of the Exercise of Detention)<sup>132</sup>.

**Police custody:**

The relevant norms do not contain any standards regarding solitary confinement.

**Relevant case law:**

Recently, the courts have dealt with cases of people imprisoned or taken into pre-trial detention who asked for vegetarian or vegan meals and their requirements were not met by the prison (see the judgment of the Supreme Administrative Court, 2 As 280/2019-20, 20 April 2020 and the judgment of the Supreme Court, 30 Cdo 4133/2019-160, 17 March 2021, in Part II). Generally, both courts looked favourably on these nutritional requirements and criticised the prisons' restrictive practices.

<sup>128</sup> Czech Republic, Art. 27–28 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>129</sup> Czech Republic, Art. 33 of the [Act No. 273/2008 Coll., on the Police of the Czech Republic](#) (zákon o Policii ČR), 11 August 2008.

<sup>130</sup> Czech Republic, Art. 15 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>131</sup> Czech Republic, Art. 15 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>132</sup> Czech Republic, Art. 27–28 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Different rules apply to police custody, please see sect. 9a, 9b and 9c.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 9. a) – d), including their respective legal basis.

(Available remedies are the same as in section 1f.)

### **Pre-trial detention and post-trial detention:**

Detainees can turn to state authorities and international organisations with their complaints in the case of a breach of their rights.<sup>133134</sup> They can address the complaint to the director of the detention facility, to the General Directorate of Prison Services, to the Ministry of Justice,<sup>135</sup> ... or to the public prosecutor. If the complaint is found to be well-founded or partially well-founded, the detention facility is required to take the necessary remedial measures without delay. The detainees can also contact the Ombudsperson and initiate an inspection (Art. 9 and 10 of the Act No. 349/1999 Coll., on the Public Defender of Rights<sup>136</sup>). The Ombudsperson may propose remedial measures (in this context mainly a review of a decision, an act or procedure of the authorities, initiation of disciplinary procedures, provision of damages - Art. 19 of the Act No. 349/1999 Coll., on the Public Defender of Rights).

Any claim for damages is resolved in civil court<sup>137</sup>.

f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

The relevant NPM reports from the reference period (listed with hyperlinks in chapter 1.g.) do not contain any recommendations regarding the aspects addressed in this chapter.

<sup>133</sup> Czech Republic, [Art. 20 of the Act No. 293/1993 Coll., on the Performance of Detention](#) (zákon o výkonu vazby), 10 December 1993; Czech Republic, Art. 60 of the [Regulation No. 109/1994 Coll., Rules of Procedure of the Exercise of Detention](#) (vyhláška, kterou se vydává řád výkonu vazby), 3 June 1994.

<sup>134</sup> Czech Republic, Art. 26 of the [Act No. 169/1999 Coll., on Execution of the Punishment of the Deprivation of Liberty](#) (zákon o výkonu trestu odnětí svobody), 3 August 1999.; Art. 34 of the [Regulation No. 345/1999 Coll., Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty](#) (vyhláška, kterou se vydává řád výkonu trestu odnětí svobody), 21 December 1999.

<sup>135</sup> Czech Republic, [Act No. 555/1992 Coll., on the Prison and Justice Guard](#) (zákon o vězeňské a justiční stráž), 10 December 1992.

<sup>136</sup> Czech Republic, [Act No. 349/1999 Coll., on the Public Defender of Rights](#) (zákon o veřejném ochránci práv), 30 December 1999.

<sup>137</sup> Czech Republic, Act No. 99/1963 Coll., [Code of Civil Procedure](#) (občanský soudní řád), 17 December 1963.



## Part II: National jurisprudence

### The Czech Republic, The Constitutional Court (Ústavní soud), IV. ÚS 2/2018, 9 May 2018

<b>Thematic area</b>	<b><i>Women in detention</i></b>
<b>Decision date</b>	9 May 2018
<b>Reference details</b>	<a href="#">Decision of the Constitutional Court IV. ÚS 2/2018</a>
<b>Key facts of the case</b>	The Defendant, who already had a 3-year-old daughter, was taken into custody in the ninth month of her pregnancy. After she gave birth, she remained in custody, while her son was placed in the care of his grandparents. A few months later, she applied for a release from custody to take care of her children. The lower courts rejected her application. The Constitutional Court cancelled their decisions, stating that they had violated her right not to be separated from her children.
<b>Main reasoning/argumentation</b>	The Constitutional Court stated that while there were legitimate reasons to keep the Defendant in custody, the fact that she was a mother of a new-born baby had not been taken into consideration at all. Instead of finding a proportionate solution, the courts basically stated that the Defendant had lost her right to take care of her children while being in custody.
<b>Key issues (concepts, interpretations) clarified by the case</b>	In such cases, the courts must assess the conflict of two constitutional interests: protecting the course of criminal proceedings while also upholding the right of Defendants to care for their children and ensuring the best interests of the children. People taken into custody must be presumed innocent until convicted and the restriction of their rights cannot be considered a violation that has led to their being taken into custody.
<b>Results (sanctions) and key consequences or implications of the case</b>	The Constitutional Court cancelled both decisions by the lower courts. The Constitutional Court also pointed out that there are systemic flaws in exercising parental rights in custody. While the Czech Republic operates prisons where children can stay with parents who have been sentenced to imprisonment, it is unacceptable that these facilities are not available in justified cases for parents in custody, although Art. 28a of the Act on the Performance of Custody <sup>138</sup> allows it.
<b>Key quotation in original language and translated into English with reference details</b>	<i>Uvalení vazby v souladu se zákonem je legitimním omezením osobní svobody, zároveň však při něm dochází k omezení dalších ústavních práv, v případě žen po porodu navíc ve větším rozsahu než u jiných vazebně stíhaných osob. [...] Nejde přitom pouze o ochranu vazebně stíhané osoby, stejně důležitá jsou i ústavní</i>

<sup>138</sup> Act No. 293/1993 Coll. on the Performance of Custody (*zákon o výkonu vazby*).

	<p><i>práva osob ostatních (zejména členů její rodiny). Všechna tato práva musí stát zohledňovat a chránit v maximálně možné míře, za současného splnění svých povinností při potírání trestné činnosti.</i></p> <p>Lawful custody is a legitimate restriction of personal freedom, but at the same time it restricts other constitutional rights, in the case of postpartum women [it does so]to a greater extent than for other people in custody. [...] It is not only the protection of a person in custody, but also the constitutional rights of other persons (especially members of her family). All these rights must be taken into account and protected by the state as much as possible, while it fulfils its obligations in the fight against crime.</p>
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The Czech Republic, The Supreme Administrative Court (Nejvyšší správní soud), 2 As 280/2019-20, 20 April 2020

<b>Thematic area</b>	<b>Nutrition</b>
<b>Decision date</b>	20 April 2020
<b>Reference details</b>	<a href="#">Decision of the Supreme Administrative Court 2 As 280/2019-20</a>
<b>Key facts of the case</b>	The Plaintiff was taken into custody and asked for meals to accommodate a vegetarian diet. The prison complied with his request, except during a seven-month period when the kitchen was under reconstruction and the reduced capacity allegedly made it impossible to do so at that time. The Plaintiff filed an administrative action claiming that the prison had infringed his freedom of thought and conscience. The district court rejected the action. The Supreme Administrative Court cancelled the decision of the district court.
<b>Main reasoning/argumentation</b>	The Supreme Administrative Court pointed out that the right to a specific diet (in conformity with detainee's conscience) is not absolute – it is granted only to the extent that the operation of the prison allows for it. A balance must be maintained between the interests of the detainee who is requesting meals for a specific diet, the interests of the prison, and the interests of other detainees – the specific diet must not result in undue advantages, such as better nutrition.
<b>Key issues (concepts, interpretations) clarified by the case</b>	The prison must accommodate a specific diet if it is possible in terms of its operations. If the prison is not able to do so, it must at least offer alternatives (e. g. detainees may buy food themselves or have it brought in from the outside).
<b>Results (sanctions) and key consequences or implications of the case</b>	The Supreme Administrative Court pointed out that in this specific case the prison was able to offer a Muslim diet (which was mostly without meat) even within the limited operations of the kitchen. Therefore, it was not proven that there were no alternative ways in which to accommodate the Plaintiff's diet as requested (e.g.

	<p>offering foods compatible with a Muslim diet, while allowing the Plaintiff to buy some food himself/which the Plaintiff could supplement with food he bought himself), which they did after a month. The Supreme Court cancelled the decision of the district court and ordered it to establish the facts again.</p>
<p><b>Key quotation in original language and translated into English with reference details</b></p>	<p><i>Vězeňská služba má tedy učinit vše, co je v jejích rozumných možnostech, aby i v těchto podmínkách mohl jednotlivec žít v souladu se svým přesvědčením. [...] Věznice má hledat rozumné možnosti jak vězni v co možná největší míře vyhovět; na druhé straně však nelze pod záminkou svobody svědomí využívat práva požadovat vegetariánskou stravu k získání neoprávněných výhod. [...] Je třeba v těchto případech hledat a nalézt spravedlivou rovnováhu mezi zájmy věznic a ostatních odsouzených a zvláštními zájmy toho, kdo se chce stravovat vegetariánsky.</i></p> <p>The prison service should therefore do everything reasonably within its power to enable the individual to live in accordance with his convictions, even in these conditions. [...] The prison shall seek reasonable means by which to accommodate the prisoner as far as possible; on the other hand, under the pretext of freedom of conscience, the right to demand a vegetarian food cannot be used to obtain undue advantages. [...] It is necessary in such cases to seek and find a fair balance between the interests of the prison and other convicts and the special interests of the individual who wants to eat vegetarian food.</p>

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The Czech Republic, The Supreme Court (Nejvyšší soud), 30 Cdo 170, 17 December 2014

<b>Thematic area</b>	<b>Access to healthcare</b>
<b>Decision date</b>	17 December 2014
<b>Reference details</b>	<a href="#">Decision of the Supreme Court 30 Cdo 170/2014</a>
<b>Key facts of the case</b>	<p>While serving his sentence, the Plaintiff has been suffering from back pain. After he had an MRI in a hospital it was recommended that he immediately undergo spinal surgery. However, the prison insisted on another examination, which showed that conservative treatment, which could be provided in the prison hospital, would be sufficient. It took nine months before the Plaintiff was allowed a suspension of his sentence to undergo surgery outside the prison facility. Afterwards, he sued the prison for remedy, but the courts did not award him any damages. The Supreme Court dealt with the question of whether prisoners have the right to choose their medical treatment.</p>

<b>Main reasoning/argumentation</b>	<p>The Supreme Court stated that there were two alternative treatments (surgery vs. conservative treatment) that were equal, but only one of them was available in the prison hospital. Therefore, it was not the case that the prison service were required to enable medical care in a medical facility outside the prison hospital (Art. 5 paragraph 2 of the Act on the Imprisonment Act/the Act on the Execution of Imprisonment<sup>139</sup>).</p>
<b>Key issues (concepts, interpretations) clarified by the case</b>	<p>People serving a sentence in a prison are not entitled to choose any medical treatment that is considered in their case. Their right to choose (or refuse) a medical treatment is limited by the possibilities of the prison hospital.</p>
<b>Results (sanctions) and key consequences or implications of the case</b>	<p>The Supreme Court stated that given the circumstances, the prison service caused no damages by not enabling the Plaintiff to undergo spinal surgery in a hospital before he was granted a suspension of his sentence.</p>
<b>Key quotation in original language and translated into English with reference details</b>	<p><i>Osoba ve výkonu trestu odnětí svobody může přijmout (samořejmě i odmítnout) pouze takovou léčbu, kterou indikovali lékaři Vězeňské služby ČR [...] a kterou lze poskytnout ve zdravotnických zařízeních Vězeňské služby ČR. [...] Jiným způsobem může být osobě ve výkonu trestu odnětí svobody poskytnuta zdravotní péče pouze po rozhodnutí o přerušení výkonu trestu</i>  A person serving a custodial sentence may accept (and of course also refuse) only such treatments that have been recommended by doctors in the prison service [...] and that can be provided in the medical facilities of the prison service. [...] Other healthcare can be provided only after a decision on sentence suspension[after a decision has been made to suspend the persons' sentence].</p>

<sup>139</sup> Act No. 169/1999 Coll. on the Imprisonment Act/the Act on the Execution of Imprisonment (*zákon o výkonu trestu odnětí svobody*)