

In 15 years, Czech Ombudsman has inspected 504 facilities where people are deprived of their personal liberty - pushed for the abolition of cage beds and improved conditions for thousands of people

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By systematically visiting places where people are or may be deprived of their personal liberty, Ombudsman strengthens their protection against ill-treatment. Since 2006, Czech Ombudsman has been carrying out the tasks of the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

"Restrictions on personal freedom can happen to anyone if they become dependent on the care of others, for example because of an accident, illness or age," Ombudsman Stanislav Křeček said on the anniversary of the NPM. "Therefore, hospitals, children's homes or homes for the elderly are among the facilities visited. Another group consists of places where personal freedom is restricted ex officio, such as prisons or police cells," explained the Ombudsman and added that he had entrusted his deputy, Monika Šimůnková with the responsibility for monitoring restrictions on personal liberty.

Ombudsman's Achievements

*"I consider the great success of the past fifteen years to be the **definitive end of the use of cage beds in psychiatric wards**. Although the law banned them in 2007, three years ago - in September 2018 - colleagues discovered a cage bed during a hospital visit. So with its removal, cage beds have hopefully disappeared from our hospitals for good," the Deputy Ombudsman said.*

Probably the last cage bed in the Czech Republic discovered during the Ombudsman's visit to a psychiatric hospital in 2018:





"However, based on our findings from visits to various facilities, we have also initiated changes that may look minor or banal at first glance, but have actually improved daily lives of hundreds, some even thousands, of people. For example, unlike in the recent past, children in children's homes can wear their own clothes and have lockable cabinets," Šimůnková explained.

According to Ondřej Vala, head of the Department for Supervision of Restrictions on Personal Freedom, there has been a whole group of similar seemingly small changes. „Children in children's homes can now also make **telephone calls in private** and nobody is allowed to read their e-mails or text messages. Thanks to us, **prisoners** are also guaranteed a hot **shower at least twice a week**. We have also recommended that patients in psychiatric hospitals should not have to wear pyjamas all day. In one psychiatric hospital, cameras monitored children in the toilets. We succeeded in demanding the removal of these cameras." Vala calculates.

Czech Ombudsman preventing ill-treatment of people deprived of their liberty

504

FACILITIES VISITED
2006 – 2021 (Sept.)



social services facilities | 160



police cells | 104



facilities for children | 90



healthcare facilities | 80



prisons | 46



facilities for foreigners | 18



facilities for asylum seekers | 6

The Deputy Ombudsman also recalled **activities of the NPM during the COVID-19 pandemic**. At that time, she and her colleagues monitored in particular whether excessive interference with the rights of clients, patients, children or prisoners was occurring due to the anti-epidemic measures. In her opinion, the curfew for clients of homes for the elderly and homes for persons with special needs, which remained in force after the end of the state of emergency, was disproportionate and illegal.

Systematic Visits

The Office's staff carries out **systematic visits of the facilities without prior notice**. They may enter at any time of the day, on weekdays, weekends or even on public holidays. This gives them the opportunity to see the day-to-day operations and life in the facility. They can enter all areas of the facility, look at all documentation, including medical documentation, and talk in private not only with all the staff, but also with the residents of the facility, whether they are children, patients or prisoners. In preparation for and during the systematic visits, they cooperate with external experts such as doctors, psychologists, nurses or educators.

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2006 – 2021 (Sept.)
examined conditions of approximately



A detailed report from each visit, with suggestions for possible or necessary improvements and adjustments, is addressed by the Ombudsman to the management of the facility and its establishers. The Ombudsman also issues **summary reports**¹ of visits to a particular type of facilities (eg. homes for the elderly, psychiatric hospitals, prisons etc.), which can serve as a source of information for other professionals in the field. A total of three dozen publications have already been issued. Two more are expected to be added this year.

Forced Return Monitoring

In addition, since 2011, the Ombudsman has also been able to monitor deportations and transfers of foreign citizens as part of the prevention of ill-treatment. In ten years, the **Office's staff has monitored 158 forced return operations**. This has enabled the Ombudsman to point out that if foreigners are not properly prepared for their expulsion from the Czech Republic and do not have basic information about what awaits them, unnecessary stress and tension often arise during the expulsion process. This can also affect the course of their return and ultimately complicate the work of the escorting officers themselves. The Ombudsman has been instrumental in ensuring that the obligation to prepare foreigners for deportation is enshrined in law. Social workers now regularly provide foreigners with information regarding their departure from the Czech Republic and their arrival in their country of origin.

"Deportation from the Czech Republic can often take tens of hours. In some cases, it happened that the foreigner did not receive any food or drink for the journey and was thus often hungry. The ombudsman advocated that all foreigners, without distinction, should receive food and drink packages for their journey," says lawyer Anna Makarenko, describing one of the success stories. Challenges remain, however, she says, such as not allowing the Office's staff to monitor the progress of foreigners' deportation directly in escort vehicles.

¹ All summary reports are available online in the Register of the Defender's Opinions <https://eso.ochrance.cz/> by searching by the form of the Defender's findings „Souhrnná zpráva z návštěv zařízení - § 21a“.

Future Challenges

The ombudsman would like to see systemic changes in other areas as well. For example, there is still no clear legal regulation of the rights and obligations of people in protective treatment. The Ombudsman also draws attention to the **fragmentation of care for children at risk**. This is shared between three ministries (the Ministry of Health, the Ministry of Education, the Ministry of Labour and Social Affairs) and divided between the state administration and local government and between the state and the non-state sector.

According to the ombudsman, the functioning of dozens of **unregistered social service institutions** is also problematic. Formally, they are mostly associations offering accommodation to their members. In practice, however, they operate as homes for the elderly and should therefore be registered as a residential social service under the law. The absence of state control always entails an increased risk that the elderly people accommodated will become victims of ill-treatment. In the case of unregistered facilities, there is absolutely no possibility of controlling the quality of the services provided, eg. whether clients are cared for by qualified staff, whether they live in satisfactory hygienic conditions and whether they actually receive the care they need.

Last but not least, the Ombudsman repeatedly calls on the legislator to create additional safeguards against ill-treatment of social services clients and patients in health care facilities and, as part of the legislative recommendations, calls for the **introduction of an independent complaints mechanism in social services** and the definition of the **offence of 'ill-treatment'**.