



## The Defender (Ombudsman) can:

**inquire into complaints against the work of the Czech Prison Service;**

**inquire into complaints against the treatment of persons** held on remand, convicts and people placed in secure preventive detention;

**carry out a systematic visit** in a facility (for more information, see the [Protection of persons restricted in their freedom](#) leaflet at [www.ochrance.cz](http://www.ochrance.cz), section *Problems and their solutions*).



## The Defender CANNOT:

**resend mail** sent by prisoners to other persons;

**arrange a transfer** of a prisoner to a different facility;

**order** the Prison Service to do something – the Defender may only issue *recommendations*;

**intercede** on behalf of a prisoner before authorities, courts or other institutions;

**inquire into the suitability and quality of medical treatment** in case of complaints concerning healthcare.

## When should you file a complaint with the Defender?

- We prefer if you **first try to deal with the situation directly with the prison's management**. Prior to contacting the Defender, do file a complaint to the prison authorities. The complaint must be investigated and resolved within 30 days of the date it was lodged (definitely not later than 60 days).
- If you are dissatisfied with the manner in which your complaint was resolved by the prison, you can contact the Defender. Please indicate in your complaint the specific issues **you object to** and attach all related documents (original counterparts or copies; the documents will be returned to you later).
- You can also contact the Defender if the prison fails to resolve your complaint within 30 days or if it fails to inform you about the outcome.
- You can also write to the Defender **on behalf of a relative or a close person** who is in prison. In that case, please attach a document proving that your close person has consented to this. If you can, please send a signed power of attorney – it does not have to be officially authenticated. This is the only difference in procedure compared to filing a complaint to the Defender.



Regional Public Prosecutor's Offices can also hear complaints against the conditions of imprisonment. They can also examine whether the conditions of remand, imprisonment and secure preventive detention comply with the law.



## I am in prison



### I object to my imprisonment.

**1. The Defender cannot act in such a case.**

The Defender's mandate does not cover provision of legal consultancy. He is also not allowed to interfere with criminal proceedings. For more detailed information on the Defender's mandate, see the [Ombudsman](#) leaflet at [www.ochrance.cz](http://www.ochrance.cz), section *Problems and their solutions*.

**2. Contact a lawyer.**

If you need help with finding a lawyer, ask the prison staff, for example the social workers. For more information, see the [Legal aid](#) leaflet at [www.ochrance.cz](http://www.ochrance.cz), section *Problems and their solutions*.



### I want to be transferred to another prison.

**1. The Defender does not have the power to order the Prison Service to transfer you.**

**2. File a request for a transfer to the director of your prison.**

Prisons in the Czech Republic are currently overcrowded, so it is possible your request will be rejected on capacity grounds. However, you will be put on a **waiting list** and the prison will contact you when there is room for you in another prison. If your request is denied for other reasons, you may file another one in 3 months. This limit does not apply if such a request is filed by your close persons and you join it. The Defender may not file this request on your behalf.

**3. The Defender could inquire whether your transfer request was resolved properly and in due time.**



### I object to a disciplinary punishment.

**1. File a complaint against the decision to impose the disciplinary punishment.**

You may do so in writing or orally. You must do so within **3 days** after such punishment was imposed. The prison management will decide on the matter within 5 business days.

**2. You may lodge a court action against some disciplinary punishments.**

This includes the following: **forfeiture of a thing, (all-day) placement in a closed block or unit, and placement in solitary confinement.**

Before you lodge a court action, file a **complaint** first as described above. You must lodge the court action **within 2 months** after you signed a decision imposing a disciplinary punishment; you have to lodge the court action with the regional court having jurisdiction over your prison. Lodging a court action is subject to a fee of CZK 3,000; if you can prove that you lack the necessary funds, you can apply for a waiver of judicial fees.

**3. The Defender may examine whether the disciplinary punishment was imposed lawfully. The Defender assumes that you have first filed a complaint against the disciplinary punishment.**



### I have a healthcare-related problem.

**1. Lodge a complaint with the director of your prison.**

If you are not satisfied with the director's response, **lodge a complaint with the Ministry of Justice**, which oversees the suitability and quality of medical treatment in connection with complaints involving prison healthcare.

**2. The Defender may then inquire whether these complaints were resolved fully, comprehensibly and in due time.**

The Defender may examine the formal requisites of the prison director's or the Ministry's response to your complaint. The Defender may not examine the suitability nor quality of medical treatment. For more details, see the [Healthcare – Complaints involving healthcare](#) leaflet at [www.ochrance.cz](http://www.ochrance.cz), section *Problems and their solutions*.



### I am a victim of violence and/or bullying.

**1. Inform the prison staff.**

You are required to report anything that could threaten your safety or that of the other prisoners, prison staff or security of the prison itself. Prison staff are obliged to act immediately to make sure you remain safe.

Proceed in this manner regardless of whether the perceived threat comes from the other prisoners or the prison staff.

**2. The Defender may inquire into the manner in which the staff responded to reported bullying and/or violence.**



### I want to file a complaint about something else.

**1. In the first place, try to resolve the situation with the prison management.**

Over the course of your imprisonment, you may become dissatisfied with the manner in which you have been treated. Such situations may involve **actions by the staff**, problems with **postal service and packages, telephone access, visits, food, sanitary and other facilities** and so on.

The best solution is to file a written complaint with the prison's prevention and complaints department.

**2. If you are not satisfied with the resolution of your complaint, you may contact the Defender.**

Write him a letter in which you describe all the relevant circumstances – the letter will not be read by the prison staff. Attach all relevant documents and send the letter to: **Kancelář veřejného ochránce práv (Office of the Public Defender of Rights), Údolní 39, 602 00 Brno**. If you do not have any money on your prison account, the prison will send the letter free of charge.

The Defender deals with complaints generally on the basis of documents and statements. In urgent cases, he may conduct a personal on-site inquiry.



## I am about to be released from prison



### I have no place where to live and work

- 1. Contact the prison's social workers.**

Ask them to contact the **social curator of a municipality with extended competence** (hereinafter the “social curator”) based on your permanent residence address. The curator will then be able to visit you in prison and provide you with the required information such as how to contact accommodation facilities, the Labour Office etc.



### I don't have my ID card

- 1. Contact the prison's social workers.**

A social worker can arrange a new ID card for you on your request.

If you are released from prison without a valid ID card, contact your social curator: he or she will help you with getting a new ID card. After release, you can find out the right municipality with extended competence at the municipal authority of your place of permanent residence.

- 2. You will need your ID card after being released from prison.**

You should always leave the prison **with a valid ID card and a certificate of release from prison**. You will need the ID card for all kinds of official business: for example, without a valid ID card, the Labour Office can refuse to pay various social welfare benefits you may be entitled to. In fact, the Labour Office will not even be able to include your name in the register of jobseekers.



### I don't have any money.

- 1. Contact your social curator after release.**

The social curator will help you file applications for assistance in material need. Such applications are filed at the Labour Office using official forms. The social curator can help you get these forms. You can also find hard copies of them at the Labour Office or online at <https://portal.mpsv.cz/forms>. You can file the application for welfare at any time. However, the Labour Office may reject it.

- 2. Ask the Labour Office to include your name in the register of jobseekers.**

The Labour Office will help you find **a new job**. As a registered jobseeker, you will have greater possibilities for **claiming subsistence support benefits** and/or **contribution towards housing**. Under certain conditions, you could also claim a **housing allowance**. These social benefits are also claimed using official forms at the Labour Office.