

# Protection of persons restricted in their freedom

This leaflet explains how the Defender (Ombudsman) helps persons restricted in their freedom. It describes systematic visits to facilities, the course of the visits and their purpose. It also clarifies when the Defender can directly inquire into a complaint concerning ill-treatment. You will learn where to find information on the Defender's findings.



## Is my freedom restricted?

Your freedom is restricted **either when a court or other public authority decides so** (when you are placed in a prison or a police cell), **but also when you need care** (you are in a hospital, retirement home etc.).

Put simply, your freedom is restricted when **you are in a facility** which you cannot leave without consequences.



## How can the Defender help?

The Defender **protects** persons restricted in their freedom **from ill-treatment**, in particular by regularly **visiting facilities** in order to learn how people are being treated there. The Defender may visit any place where persons restricted in their freedom may be present, including private facilities. **The Defender also monitors detention and expulsion of foreign nationals.**

Furthermore, the Defender directly inquires into specific **complaints concerning ill-treatment in case your freedom is restricted by the "State"**, i.e. if you are placed in a prison, police cell, facility for detention of foreigners, institutional treatment facility, children's home or an educational institution.



## What is ill-treatment?

Ill-treatment is any treatment where an individual's **dignity is not respected** and – in extreme cases – where their bodily integrity is violated.

Torture, cruel or inhuman or degrading treatment or punishment is prohibited, as well as manifestations of disrespect toward human beings and their rights, a lack of respect for their privacy, independence, rights to (co-)decide about their lives or abuse of the dependence on care or a further aggravation of such dependence.



## How does a systematic visit of a facility look like?

The Defender **plans** the visits in advance, focusing on different types of facilities over time. As a rule, the facility is **not informed of the visit in advance**. The Defender's visits are carried out by lawyers from the Office of the Public Defender of Rights accompanied by experts on the care provided in the given facility (physicians, nurses, special education teachers, psychologists, social services quality experts, etc.).

The visit **consists** of inspection of the facility, observation, interviews with the senior personnel and employees and clients, study of the internal regulations of the facility and the documentation, including medical records.

After each visit, the Defender **draws up a report and asks the facility for a statement**. Most of the reports contain proposals on how to remedy or improve the situation and they serve to initiate dialogue with the relevant facility and as a guidance for preventing or remedying ill-treatment.



## Does the Defender publish the findings from the visits and expulsion monitoring?

Yes, after concluding the dialogue with the relevant facility, the Defender releases an **anonymised report on the facility visit** and the statements at [www.ochrance.cz](http://www.ochrance.cz) in the section [Protection of Persons Restricted in their Freedom](#) and in the Defender's Opinions Register ([ESO](#)).

After a series of visits to the same type of facilities, the Defender issues a **summary report**. This report is also released and sent to the authorities. In the summary report, the Defender summarises findings and recommended remedial measures, proposes systemic recommendations, and defines standards of good treatment if necessary.

Similarly, the Defender releases **reports on monitoring of forced returns** (at [www.ochrance.cz](http://www.ochrance.cz) in the section *Monitoring of Forced Returns – Supervision of Expulsion*) and in the Defender's Opinions Register ([ESO](#)).

Every year, the Defender submits an **annual report on protection against ill-treatment** and publishes it at [www.ochrance.cz](http://www.ochrance.cz) in the section *Reports*.



## Where can I find more advice?

For more accurate information and advice for persons restricted in their freedom or dependent on care, see the Defender's information leaflet at [www.ochrance.cz](http://www.ochrance.cz), section *Problems and their solutions (Problémy a jejich řešení)*:

Children's home, educational institution ([Dětský domov, výchovný ústav](#))

Guardian ([Opatrovník](#))

Stay at a psychiatric facility ([Pobyt na psychiatrii](#))

Social services ([Sociální služby](#))

[Prisons](#)

[Facilities for detention of foreigners](#)

[Healthcare – Complaints involving healthcare](#)