



association for the prevention of torture  
association pour la prévention de la torture  
asociación para la prevención de la tortura

# Czech Republic

Updated 10.10.2017

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## **OPCAT status**

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**OPCAT Ratification** : July 10, 2006

**UNCAT Ratification** : February 22, 1993

**NPM Designated** :

[Public Defender of Rights](#)

**NPM Type** :

Ombuds Institution

**NPM Legal Framework** :

[Law on Public Defender of Rights](#)

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## **Information**

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**Population** : 10 644 842

**Area (sq km)** : 78 867



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**Number of prisons** : 35

**Prison population** : 22 229

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## **Quick Links**

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**Communication to the SPT:** [Official Correspondence](#) from Czech Republic

**CAT:** [Concluding Observations](#) (May 2012)

**UPR:** [Draft Report of the Working Group](#) (October 2012)

**CPT:** [Visit report](#) (April 2014)

[Commissioner for Human Rights \(CoE\):](#) Visit Report (November 2012)

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## **OPCAT Situation**

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The Czech Republic ratified the OPCAT in 2006 and designated its Ombuds Institution, the Public Defender of Rights, as its NPM. The Public Defender's legislation was amended in that context and a NPM unit was established.

The Czech NPM started to be operational in January 2006.

The SPT member Kosta Mitrovic is the SPT Focal Point for the Czech Republic.



## NPM Designation

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### NPM Designated

The Czech Republic designated the Public Defender of Rights (Ombuds Institution) as NPM in January 2006. To make the institution compliant with the OPCAT requirements, amendments were brought to the Law on the Czech Public Defender of Rights (Act n° 381/2005 amending the Ombudsman Act from 01 January 2006).

### Process

#### 2003 - 2006

Following a two-year legislative process started in 2003, in September 2005 the founding legislation of the Ombuds Institution, the Public Defender of Rights, was amended to expand the mandate of the institution, in view of its designation as National Preventive Mechanism under the OPCAT. The amendments were published in the Official Gazette in September 2005 and entered into force in January 2006. The institution was reportedly chosen as the NPM owing to its institutional and financial independence, previous experience in monitoring places of detention and its authority within Czech society.

#### 2011

On 1 January 2011, the Defender's mandate was extended to include a new field of competence to monitor the forced-return system (in accordance with the "Returns Directive" of the European Parliament and the Council).

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## **NPM Internal Organisation**

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The Office of the Public Defender of Rights established a Division of supervision of places of detention to perform the NPM tasks.

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## **NPM Resources**

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### **Human Resources**

The NPM Division includes 11 staff, most of them with legal background.

The Public Defender of Rights also recruits external experts to carry out visits to places of detention together with the NPM staff.

### **Financial Resources**

In 2015, the Czech Public Defender of Rights was granted with an overall budget equivalent to approximately 4.1 million EUROS. However, the APT does not have any specific information on the budget granted to the NPM work.

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## **NPM Reports and Recommendations**

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### **Visits Reports**



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Following a visit to a place of detention, a report is drafted on the main findings and includes recommendations for any remedial measures. The visit report is sent to the head of facility visited. The detaining authorities are called to respond within the stipulated deadline to the report, including the recommendations and proposals for change. In case of non-cooperation, the Public Defender may take some sanctions, namely notifying the hierarchy, the government or alternatively, making the report public. Since 2016, all visits reports are published online. In the previous years, only summary reports were released to the public.

In addition to visit reports, the Public Defender also drafts thematic reports that contain general observations from all the visited facilities of a similar type. Below are some examples of such reports:

[Report on visits to prisons \(2016\)](#)

[Report on retirement and special regime homes \(2015\)](#)

[Report on residential facilities providing care without authorisation \(2015\)](#)

## Annual Reports

In 2014, for the first time the Public Defender published a separate report on the activities carried out under the NPM mandate. In the previous years, a specific chapter was included in the Public Defender of Rights' annual report.

[Annual Report 2015](#)

[Annual Report 2014](#)

[Annual Report 2013](#)

[Annual Report 2012](#)

[Annual Report 2011](#)



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[Annual Report 2010](#)

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## **Balance and Results**

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In its 2015 annual report on its activities as National Preventive Mechanism, the Public Defender also provided a balance of the first 10 years of NPM's operations, highlighting the main achievements and challenges.

[NPM annual report 2015](#)