



ombudsman
Public Defender of Rights

Women in Prison: Czechia

Analysis from the National Preventive Mechanism

| September 2024



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



In partnership with
Canada

... SUBVENTIONNÉ
... PAR LA
VILLE DE GENÈVE



Czechia



UNCAT Ratification
22 February 1993

OPCAT Ratification
10 July 2006

National Preventive Mechanism (NPM)

Public Defender of Rights (Ombudsman)

NPM legal framework

Act No. 349/1999 on the Public Defender of Rights (as amended)

NPM operationalisation

Since 2006

NPM structure

Specific department within the Office of the Public Defender of Rights

NPM composition

13 staff members (8 women, 5 men)

I. Facts and Figures

Prison population

Total prison population

19,700

Women in prison (total)

1,750 | 8.88%

Women on remand

113

Source: *Prison Service of the Czech Republic – Prison Population Statistics, 31 August 2024*

Women in prison - Characteristics

Foreign women

89

Source: *Prison Service of the Czech Republic – Prison Population Statistics, 31 August 2024*

Prisons for women

Total number of women’s prisons¹

15

Women-only prison

1

Mixed prisons with special unit for women

14

Source: *National Preventive Mechanism, September 2024*

II. Recommendations

Sanitary facilities and personal hygiene

- + Provide the sanitary facilities and resources needed to meet the specific hygiene needs of women, especially for pregnant, breastfeeding or menstruating women.
- + In mixed prisons with separate units for women, ensure the presence of a nurse at the women’s

¹ There is only one women-only prison in the Czech Republic; however, there are 2 other prisons where both men and women are placed, but in completely separate areas managed by the same management. The remaining 12 prisons mentioned in the table are mixed with special units for women.

facility, at least for a few hours every weekday.

- + In mixed prisons with separate units for women, ensure the provision of health care by a general practitioner and also, if possible, a psychiatrist, directly in the building.
- + Prisons should not place women in unsuitable cells until health care is provided in the facility.

Pregnant and nursing women

- + Take extra care in setting up and implementing processes related to pregnant women and their ability to be with their child after delivery.

III. Detention Issues

Sanitary facilities and personal hygiene

During detention, persons deprived of liberty may be subjected to only those restrictions necessary to fulfil the purpose of detention and their human dignity must be respected. One of the prerequisites for ensuring dignified conditions of detention may be the provision of hygiene, taking into account the individual needs of the person. Maintaining good hygiene conditions and immediate access to appropriate facilities are essential components of a humane environment. While the law on detention imposes an obligation on the person deprived of liberty to observe the principles of hygiene, it is nevertheless necessary for the prison to provide suitable facilities and equipment, the necessary time and other conditions to enable the person to wash daily, shave regularly and perform other routine hygiene tasks.

In the visits conducted by the NPM to remand prisons in 2022, some women deprived of liberty stated that they had to "pre-wash" their hair with warm water in the sink in order to complete their hygiene within the set time limit. In one prison, women reported that they were not allowed to shower more often during their menstrual periods.²

During visits conducted in 2024, in one prison which manages 2 separate areas (one for women and one for men), the NPM found that there was no medical staff (doctor or nurse) working in the women's unit. Women were transported to the doctor in the second facility, where they waited for the examination in unsatisfactory conditions, often from the early hours in the morning until the evening. The cells in which women waited were small, unsightly and not suitable for placing a larger number of people. The NPM also found a problem with the length of the waiting time for the dispensing of medicines. Women were often given medication after more than 10 days of showing symptoms of the disease.

The individual needs of each person deprived of liberty must always be taken into account. The time required for personal hygiene, the material conditions required for it and the frequency of showering may differ from one group to another, for example, for different age groups, for women with a child in prison, or in the case of reduced mobility or disability. Similarly, persons with a doctor's recommendation for more frequent showering have their frequency and time of showering adjusted individually. Also, women who have long hair need more time to wash it.

According to the World Health Organization, prisons should provide sanitary towels and tampons free of charge and ensure that they can be disposed of safely. Unrestricted access to sanitation facilities and washrooms is also very important. Failure to provide these basic necessities can in itself constitute

² See [NPM 2022 report on its visits to remand prisons](#).

degrading treatment.³

IV. Women in special situations of vulnerability

Pregnant women and women with their children in prison

The Prison Service has a duty to assess (or determine) whether a person deprived of liberty is pregnant. If the attending physician finds that the person is pregnant, he/she shall prepare information on this fact and submit it to the regional or hospital committee for consideration. The report of the regional or hospital committee on the discussion of the medical fitness of the accused shall be submitted by the attending physician as information for further action by the prison director⁴. The internal regulation of the Prison Service does not specify what measures the prison director may apply when pregnancy is established. However, it is always necessary to inform the pregnant woman of the possibility to ask the prison director to allow her to keep and care for her child for one year after the birth.

A woman who gives birth to a child while in prison may have the child with her, unless the child has been entrusted by the court to the care of another person⁵. At the request of a woman in prison, the director of the prison shall decide on the placement of the child together with the mother, unless the child has been entrusted by the court to the care of another person or proceedings in this matter are pending before the court, and the granting of the request is in favour of the child. Before the decision is made, the director shall request an assessment from the health service provider in the field of general medicine for children and adolescents and the child welfare authority competent according to the place of residence of the child as to whether such a procedure is in the best interests of the child, and a psychological assessment of the woman⁶. The woman may subsequently lodge a complaint against the director's decision within 3 days of its notification. The complaint is then decided by the Director General of the Prison Service of the Czech Republic or an employee of the Prison Service authorised to do so. If the application has been rejected, the accused woman may repeat the application at the earliest 14 days after the decision has become final, if the reasons which led to the rejection of the application appear to have ceased to exist.

The detention of mothers of minor children is further regulated in the Detention Rules and in the internal regulations of the Prison Service. If the mother-to-be is expecting the birth of a child while in detention, she procures the documents herself well in advance on the basis of information provided by the prison social worker. The purpose of this procedure is to prevent the separation of the newborn child from the mother and to maintain favourable conditions for breastfeeding.

In the past, the Constitutional Court⁷ has dealt with this issue, intervening with a preliminary injunction in favor of a woman who gave birth in detention and was unable to stay with her child. The court ordered the prison service to stop interfering with the rights of the woman and her newborn son. They should have been given the opportunity to be together. The Constitutional Court also stated that when the imposition of detention on the parents of a minor child cannot be not only postponed for legitimate reasons, but also replaced by another less severe measure, the case must also be assessed from the point of view of the best interest of the child under Articles 3 and 9 of the Convention on the Rights of the Child in conjunction with Article 10 of the Constitution of the Czech Republic.

³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Women Deprived of their Liberty*, CPT/Inf (2000) 13 [cited 2022-01-25].

⁴ Provisions of Article 44, paragraphs 1, 3, 5, and 6 of the National Prison Regulation No. 32/2020, on the provision of health services in the Prison Service of the Czech Republic.

⁵ Section 28a(2) of the Detention Act.

⁶ Section 28a(3) of the Detention Act.

⁷ Constitutional Court ruling of 9 May 2018, [Case No. IV ÚS 2/18](#).

Good contact between mother and child is in the interests of both. Mothers in prison should therefore be accommodated with their babies after birth and encouraged to breastfeed (unless serious health reasons prevent this). It may be considered inhumane and degrading to remove a child from its mother immediately after birth. Mother and child should be allowed to stay together at least for a certain period of time. If the child subsequently remains in prison, it should be ensured that the mother can spend reasonable time with the child on a daily basis and that she is accommodated with the child in adapted conditions.

Long-term measures, in particular the separation of the child from the mother and the placement of the child outside the institution, must be taken on a case-by-case basis, on the basis of paediatric-psychiatric and medical-social assessments. On the one hand, it is clear that prison is not a suitable environment for newborn babies and young children but, on the other hand, the forcible separation of young children from their mothers is certainly not desirable.⁸

V. Other Relevant NPM Information on Women in Prison

+ NPM, *Remand prisons: report on visits to the facilities 2022*

This report is part of the Global Report on Women in Prison.
Access the full report here: www.apt.ch/global-report

⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Women in prison, CPT/Inf (2018) 5 [cited 2022-01-25].